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**Via email and BLM eplanning portal**

June 3, 2020

Tim Lyons  
Bureau of Land Management  
Phoenix District, Agua Fria National Monument Office  
21605 North 7th Avenue  
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[BLM\\_AZ\\_PDO\\_PDOEA@blm.gov](mailto:BLM_AZ_PDO_PDOEA@blm.gov)

RE: Draft Environmental Assessment for Horseshoe Allotment Grazing Authorization Renewal,  
Yavapai County, AZ (DOI-BLM-AZ-P030-2020-0001-EA)

Dear Mr. Lyons:

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 the 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 action in habitats occupied by Morafka's desert tortoise (*Gopherus morafkai*) (synonymous with "Sonoran desert tortoise"), our comments pertain to enhancing protection of this species during activities authorized by the federal, state, and local agencies listed below.

We acknowledge and thank the Bureau of Land Management (BLM) for notifying the Council of this Draft Environmental Assessment for Horseshoe Allotment Grazing Authorization Renewal (EA) on 22 May 2020. We appreciate your efforts to honor the Council's written request to provide us with information on proposed actions by BLM that may affect the Sonoran desert tortoise and/or its habitats.

## **Purpose and Need**

The purpose of preparing this EA is “to consider livestock grazing opportunities on public lands where consistent with management objectives...” The need is “to respond to an application for renewal of an expiring livestock grazing permit or lease to graze livestock on public land.”

## **Land Use Plan Conformance Statement**

### ***Management Actions***

Management decisions applicable to Rangeland Management (GM) are numbered and listed on pages 33-35 of the Agua Fria Resource Management Plan Record of Decision (BLM 2010).

**GM-9** *“Inventory and/or monitoring studies are used to determine if adjustments to permitted use levels, terms and conditions, and management practices are necessary in order to meet and/or make significant progress towards meeting the Arizona Standards for Rangeland Health and other management objectives.”*

An inventory study is not likely to provide relevant data to determine if adjustments are needed, especially with respect to the Sonoran desert tortoise. Wildlife inventories are conducted to determine the distribution and composition of wildlife and wildlife habitats in areas where such information is lacking, whereas monitoring is typically used to understand rates of change or the effects of management practices on wildlife populations and habitats. We request that this conformance statement be modified to say, “Monitoring studies are used to determine if adjustments to permitted use levels, terms and conditions, and management practices are necessary to meet and/or make significant progress towards meeting the Arizona Standards for Rangeland Health and other management objectives.” In BLM’s Handbook 6840 – Special Status Species Management, BLM State Directors are responsible for “Inventorying BLM lands to determine which BLM special status species occur on public lands, *the condition of the populations and their habitat, and how discretionary BLM actions affect those species and their habitat*” (emphasis added). We request that studies to monitor the conditions of populations and habitats of the Sonoran desert tortoise be conducted, and that these monitoring studies be science-based with statistically valid sample sizes.

**GM-16** *“Apply management actions outlined in the Arizona Standards for Rangeland Health and Guidelines for Grazing Administration to recognize and correct potential erosion problems that could degrade other resources, with prioritized emphasis on sites that might directly affect species that have been listed as threatened, endangered, or candidate by the [US]FWS.”*

The Sonoran desert tortoise is not endangered, threatened, or a candidate species (USFWS 2020a). However, BLM is a signatory to the Candidate Conservation Agreement for the Sonoran Desert Tortoise in Arizona (CCA) (USFWS et al. 2015). Additionally, the Arizona State Director’s Instruction Memorandum (BLM 2017) for sensitive species says that “The list includes species covered by conservation agreements to which the BLM is a signatory. Two former candidates with conservation agreements, Sonoran desert tortoise (*Gopherus morafkai*) and relict leopard frog (*Lithobates onca*), have been added to the list” of sensitive species. We request that this section of the EA be updated to include this information on the tortoise.

## Alternatives Considered

BLM described three alternatives:

- Renewal – BLM would renew the Horseshoe Allotment (Allotment) grazing authorization for 10 years. It would include year-round grazing of 4,572 AUMs (equivalent to grazing by 381 cow/calf) per year, a selective rest-rotation strategy would be implemented, upland browse species use would be limited to 50 percent of current year's growth, upland herbaceous species use would be limited to 30-40 percent of current year's growth, authorization for new range facilities (e.g., watering troughs, pipelines, storage tanks, wells, fences, etc.) and repair/replacement of existing facilities (e.g., corrals, pipelines, gates to cattle guards, roads, etc.), treatment of noxious weeds, as necessary, using manual, biological, or chemical treatments, and three study plots (approximately five acres) on upland areas of the Allotment to evaluate vegetation treatments of non-native and invasive grass species such as wild oats (*Avena fatua*) and red brome (*Bromus rubens* L.) and shrubs such as catclaw acacia (*Senegalia greggii*).
- No Action - The authorized year-round grazing of 4,572 AUMs per year for the Allotment would continue, selective rest-rotation strategy would continue, upland browse species use would be limited to 40 percent of current year's growth, upland herbaceous species use would be limited to 40 percent utilization on key upland forage, species yearlong grazing would occur, and there would be no new facilities, no treatment of noxious weeds, and no study plots established.
- No Grazing - Livestock grazing would be eliminated from the BLM-administered lands within the Allotment for 10 years.

The Renewal alternative is BLM's preferred alternative or Proposed Action.

There appears to be little difference between the Proposed Action and No Action alternatives with respect to upland habitats. The Proposed Action would shift grazing in riparian habitats to upland habitats, some of which provide habitat for the Sonoran desert tortoise.

## Affected Environment

Horseshoe Allotment is about 32,000 acres in southeastern Yavapai County, Arizona. Located within the Agua Fria National Monument, its elevation ranges from 3,300 feet to more than 4,600 feet. Vegetation communities are primarily semi-desert grassland and riparian deciduous forest. "The Sonoran tortoise, found in Sonoran desertscrub and semi-desert grassland, prefers rocky slopes and bajadas" (AGFD 2020). "Ninety-five percent of records in Arizona occur between 900 to 4,200 feet in elevation." "Sonoran desert tortoises are most closely associated with the Arizona Upland and Lower Colorado River subdivisions of Sonoran Desertscrub. They are also found in Mojave Desertscrub, Madrean Evergreen Woodland, Semidesert Grassland, and Interior Chaparral in Arizona (USFWS 2020b)." Thus, the Sonoran desert tortoise and habitat for this species occurs within the Allotment.

In the Affected Environment section of the EA, BLM does not mention the Sonoran desert tortoise. The EA does include as an appendix the Draft Coordinated Resource Management Plan for the Horseshoe Allotment (CRMP) (BLM & USFS 2020). The CRMP “would integrate resource goals, objectives, standards, guidelines, and management requirements for the management of rangeland resources including soil, water, wildlife, fisheries, and vegetation for a wide array of resources uses with livestock grazing.” The CRMP uses focal or key species associated with specific habitat types for planning purposes and “development of multi-resource objectives, strategies and actions.” Pronghorn and grassland bird life history requirements for breeding and survival were used to develop species goals, objectives, and strategies and actions that promote population maintenance and growth” for species in semi-desert grasslands in this Allotment. BLM says, “It is presumed that by using these species for planning purposes, implementation level actions would maintain or improve habitat conditions for most wildlife species found within the Allotment.” The CRMP does not mention the Sonoran desert tortoise; thus, we conclude it was not considered/integrated in the development of the range improvement, range management, or mitigation for the Proposed Action. We contend this approach does not comply with BLM’s commitment as a signatory to the CCA (please see discussion on Allotment Management and Candidate Conservation Agreement for the Sonoran Desert Tortoise below).

### **Environmental Consequences for Wildlife Resources**

Proposed Action versus No Action Alternatives: Under the No Action Alternative, BLM says “Sonoran desert tortoise habitat conditions would be maintained as described in Section 3.4.2.1, Proposed Action.” Thus, we conclude that there is no difference between the Proposed Action and No Action Alternative with respect to the Sonoran desert tortoise and its habitats. Without data to demonstrate the Proposed Action and No Action alternatives will provide the life requisites for the Sonoran desert tortoise (i.e., the commitments BLM made in the CCA), the EA has but two alternatives for the tortoise, grazing or no grazing.

According to BLM, the No Grazing alternative is the alternative that would benefit wildlife. This implies that the Proposed Action and No Action alternatives would adversely impact wildlife. Under the No Grazing alternative, BLM says, “The removal of livestock would largely benefit wildlife by the elimination of resource competition. Vegetation abundance, densities, and heights are expected to be greatest under this alternative. This would largely result in the best habitat for wildlife of the three alternatives. Vegetation abundance and densities are also expected to be greatest under this alternative which would provide the most forage for wildlife species. This would result in the best habitat for many species including but not limited to migratory birds, small mammals, reptiles including the Sonoran desert tortoise.”

We are concerned that BLM makes statements in the EA without citations or data to support them. For example, BLM says, “Sonoran desert tortoise habitat requirements would be maintained by these conservative use thresholds [of the Proposed Action] and geographic isolation provided by steep canyon walls which effectively excludes the majority of desert tortoise habitat within the Allotment” (page 35 of the EA). We found no citation to support this statement.

We request BLM provide data to support the following assertions: (1) how BLM determined 4,572 AUMs (equivalent to grazing by 381 cow/calf) per year is appropriate for the Allotment; (2) how a selective rest-rotation strategy will achieve desired range standards; (3) how upland browse species use would be limited to 50 percent of current year's growth; (4) how upland herbaceous species use would be limited to 30-40 percent of current year's growth; and (5) how construction and use of new range facilities will comply with the commitments BLM made in the CCA (please see the 11 bulleted commitments in the next section).

Allotment Management and Candidate Conservation Agreement for the Sonoran Desert Tortoise: BLM is a signatory to the CCA (USFWS et al. 2015). In the CCA, the U.S. Fish and Wildlife Service (USFWS) and Cooperating Agencies, which includes BLM, say "The primary threats to SDT [the Sonoran desert tortoise] in Arizona are habitat destruction, fragmentation, and degradation. Causes of these threats include, but are not limited to: invasive nonnative plant establishment, an altered fire regime,...and livestock grazing." Livestock grazing contributes to invasive nonnative plant establishment, which contributes to an altered (increased) fire regime that seriously damages or destroys native vegetation needed by the tortoise for adequate nutrition for growth and reproduction/recruitment and thermal cover. "Degradation of habitat resulting from livestock related developments (cattle guards, corrals, waters and pipelines), and concentration of livestock around water, corrals, or mineral supplements that result in loss of forage and cover and promotes establishment of invasive plant species." Because BLM is proposing to continue livestock grazing and authorize additional livestock developments, BLM should analyze these impacts to the tortoise from grazing in the EA for the Proposed Action and the No Action alternatives. In our estimation, the absence of these analyses renders the current EA deficient and must be addressed in a revised document that is recirculated for review and comment.

As a signatory to the CCA, BLM committed to do the following:

- Review on a case-by-case basis, all discretionary use requests to determine associated impacts to the Sonoran desert tortoise and implement measures to avoid, minimize or mitigate impacts to achieve Sonoran desert tortoise population and habitat objectives described in land use plans.
- Avoid locating livestock concentration areas within ¼ mile of occupied Sonoran desert tortoise habitat.
- Set Desired Plant Community objectives that incorporate Sonoran desert tortoise habitat requirements.
- Implement grazing management changes to achieve or make significant progress toward meeting Desired Plant Community objectives.
- Review and modify livestock grazing permits and authorizations to ensure adequate cover and forage for Sonoran desert tortoise are maintained or improved.
- Ensure adequate forage remains for Sonoran desert tortoise following ephemeral use periods.
- Evaluate Sonoran desert tortoise habitat conditions relative to established objectives when considering livestock grazing permit renewal and adjust use to insure achievement or progress toward objectives.
- Monitor long term population trend range-wide and pursue alternative population monitoring methodologies to inform management.

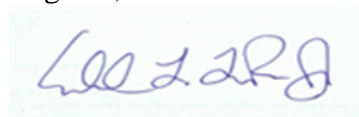
- Avoid, minimize or mitigate impacts associated with all BLM authorized activities including mineral material sales, rights-of-way, recreational use, travel management, and livestock grazing through project design and modifications to allowable uses in order to achieve SDT management objectives.
- Collect data on Sonoran desert tortoise distribution, habitat quality, and condition.
- Comply with BLM Manual 6840 that establishes specific procedures for managing the Sonoran desert tortoise as a BLM sensitive species, with the goal of conserving the SDT and its habitat on BLM-managed lands.

We strongly request that BLM revise the EA and provide data and analysis that show if they are complying with the commitments they made in the CCA (e.g., as per the 11 bulleted commitments above) with respect to the alternatives in the EA.

In summary, we do not believe BLM has demonstrated in the EA that the Proposed Action or No Action alternatives will manage for the tortoise and its habitat in a manner that will work toward achieving the goal of conservation of this species as BLM committed to in the CCA. The Council carefully assessed the data and assumptions that BLM provided in the EA. We found little or no data on the direct and indirect impacts to the Sonoran desert tortoise at a population or species level from implementation of the alternatives. We did find a description of impacts to individual tortoises from implementation of weed management actions but no analysis of impacts to the population or species. The Council concludes the No Grazing alternative is the only viable option for the health and welfare of Sonoran desert tortoise populations based on the limited information/analysis in the EA.

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 continue 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 Proposed Action 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

[AGFD] Arizona Game and Fish Department. 2020. Desert tortoises. Natural History. Distribution. <https://www.azgfd.com/wildlife/nongamemangement/tortoise/>.

[BLM] Bureau of Land Management. 2017. Updated Bureau of Land Management Sensitive Species List for Arizona. *AZ-IM-2017-009* Instruction Memorandum, March 1, 2017. Issued by: State Director, Arizona State Office, BLM, Phoenix, Arizona 85004-4427. <https://www.blm.gov/policy/az-im-2017-009>.

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U.S. Fish and Wildlife Service. 2020b. Sonoran Desert Tortoise <https://www.fws.gov/southwest/es/arizona/Documents/Redbook/Sonoran%20Tortoise%20ORB.pdf>.