August 10, 2024

Bureau of Land Management
Las Vegas Field Office
Attn: J.J. Smith, Project Manager
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
Sent via email to: BLM_NV_SNDO_NEPA_Comments@blm.gov

Re: Northern Ivanpah Valley Desert Tortoise Habitat Restoration and Connectivity Project

Dear Mr. Smith:

Thank you for the opportunity to review and comment on the Environmental Assessment (EA) for the Northern Ivanpah Valley Desert Tortoise Habitat Restoration and Connectivity Project (Project). This comment letter is submitted by Defenders of Wildlife (Defenders) on behalf of its 2.1 million members and supporters in the U.S., including 316,000 in California and 19,063 in Nevada; the Desert Tortoise Council (Council) on behalf of its members, and the Desert Tortoise Preserve Committee (Committee) on behalf of its members.

Defenders is a national conservation organization founded in 1947 and 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 founded in 1975 and 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 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.

The Committee is a non-profit organization formed in 1974 to promote the welfare of the desert tortoise in its native wild state. Committee members share a deep concern for the continued preservation of the tortoise and its habitat in the southwestern deserts and are dedicated to the recovery and conservation of the desert tortoise and other rare and endangered species inhabiting the Mojave and western Sonoran deserts.

Background Information from the EA

The purpose of the Project is to improve habitat conditions and to restore and maintain connectivity of desert tortoise habitat within the northern Ivanpah Valley to decrease the effects of habitat fragmentation on tortoise population dynamics and long-term gene flow.

The Bureau of Land Management (BLM) proposes to restore habitat and improve connectivity for the desert tortoise within the northern Ivanpah Valley and specifically within the existing Large Scale Translocation Site (LSTS), a 26,200-acre area established in 1996 as the location for translocation of desert tortoises from areas of development within the Las Vegas Valley. The first translocation occurred in 1997 when 100 desert tortoises were released and by 2003 over 3,600 tortoises had been released into the LSTS. Translocations ended in 2014 after a total of 9,157 desert tortoises had been released. Prior to the first translocation, approximately 1,450 adult desert tortoises occupied the LSTS. Both the resident and translocated desert tortoise populations declined precipitously at the LSTS site over time as well as in adjacent habitat. By 2015, only 350 adult tortoises were estimated to reside in the LSTS. The only land use that is prohibited within the LSTS is solar energy development.

BLM proposes to 1) construct and relocate desert tortoise exclusion fencing, 2) remove existing fences, 3) install new and modify existing culverts, 4) provide public education, 5) restore degraded habitat and 6) remove invasive plants.

Comments

We provide the following comments on the Project and the EA.

1. **Goal 1 – Reduce Desert Tortoise Road Mortality**. The EA states that "Roads contribute to mortality or injury through collisions, fences near roads, or avoidance of these areas, further fragmentating their habitat." BLM proposes to construct new tortoise barrier fences closer to the paved Goodsprings Road and up to four new culverts would be installed

specifically for wildlife to safely cross. Existing culverts will be repaired or retrofitted to improve access for desert tortoise as well as other wildlife.

Comment: We are concerned that the level of motorized or off-highway vehicle (OHV) use within the LSTS and the associated loss and fragmentation of habitat will compromise the goals of the Project. It makes little sense to fund projects to reduce desert tortoise mortality on paved roads (e.g., Goodsprings Road) through barrier fencing and culverts unless the issue of OHV use and its ongoing impacts within the LSTS are curtailed, and preferably eliminated. The EA states that "OHV use is very popular in the area, particularly within the LSTS where multiple OHV competitions have been hosted in the past on existing motorcycle and OHV courses" and that "Within the project area, anthropogenic activity related to development and recreation include non-linear features described as the total area disturbed and type of disturbance (fire and mining scars, target practice areas, OHV recreation staging areas and trash dumps, etc.) and, more commonly in the project area, linear features often associated with OHV use. Linear features are of particular concern within the LSTS due to their prevalence. They include linear features created prior to the 1998 RMP [Resource Management Plan], which are now considered routes, as well as unauthorized features created by off-road travel."

Further, the EA states that "Any recommended restoration of linear transportation features including existing routes and disturbances will be analyzed as part of a separate, public Travel Management Planning process.

Comment: We strongly recommend that BLM not delay restoration of linear transportation features and existing routes and disturbances through a separate Travel Management Planning process. The severe decline in the desert tortoise population within the LSTS from a high of 10,607 (resident plus translocated individuals) to a low of 350 adults in 2015 is likely due to multiple stressors, but mortality caused by OHV use and general public access to the site is probably the primary contributor. The severe impacts of OHV use in desert tortoise habitat are well documented in a number of long-term studies. For example, BLM reported that from 2016-2020 there were 20 desert tortoises killed by OHVs on the designated route network in the California Desert Conservation Area.[1] Importantly, these reported mortalities were based on opportunistic observations and not from systematic sampling, so the actual mortalities from OHV use are likely to be significantly higher.

Berry et al. (2014) found that within the Rand Mountains, Fremont Valley, and the Desert Tortoise Research Natural Area (DTRNA) in California, all of which are in the Fremont-

[1] Report from Mark Massar, BLM California Desert District Biologist to Brian Croft, USFWS, Palm Springs, dated 7/30/2020.

Kramer Critical Habitat Unit, only populations within the DTRNA were found to be stable or increasing. Within the DTRNA, 12 live desert tortoises were found on study plots compared with only two in the adjacent Fremont-Kramer Critical Habitat Unit. The important distinction between these two areas is that the DTRNA has been fenced and therefore closed to all motorized vehicle use since approximately 1980 whereas in the Rand Mountains and Fremont Valley, OHV use occurs on designated open dirt roads and trails, and also unauthorized use on BLM-designated closed routes or cross-country.

Desert tortoise mortality within the LSTS must be curtailed if the purpose and need and goals of the Project are to be achieved. BLM can close vehicle routes within the LSTS on an interim basis pending completion of a formal Travel Management Plan, as explained in the following paragraph.

BLM has legal and regulatory responsibility to manage OHV use on public lands under Executive Order No. 11989 and 43 C.F.R. Sec. 8341.2. The latter states, in part (a), that "*...where the authorized officer determines that off-road vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall immediately close the areas affected to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated and measures implemented to prevent recurrence. Such closures will not prevent designation in accordance with procedures in subpart 8342 of this part, but these lands shall not be opened to the type(s) of off-road vehicle to which it was closed unless the authorized officer determines that the adverse effects have been eliminated and measures implemented to prevent recurrence*."

2. **Goal 2: Improve Habitat Conditions**: The EA states "[D]esert tortoise habitat within the LSTS is fragmented by linear features and disturbances which are also a source of nonnative, invasive plants, transportation related wildlife mortality, and potential fire ignition sources." BLM would improve habitat by planting native species, installing vertical mulch and raking soil to hide vehicle tracks and installing barriers to discourage off-route OHV use. The EA states that "BLM identified 18,352 acres within the LSTS as having a high opportunity for restoration and 36,650 acres as having a medium opportunity for restoration."

Comment: The acreage of high and medium restoration opportunity areas within the LSTS combined is approximately 55,000 acres, which is slightly more than twice the size of the LSTS. Please clarify the discrepancy.

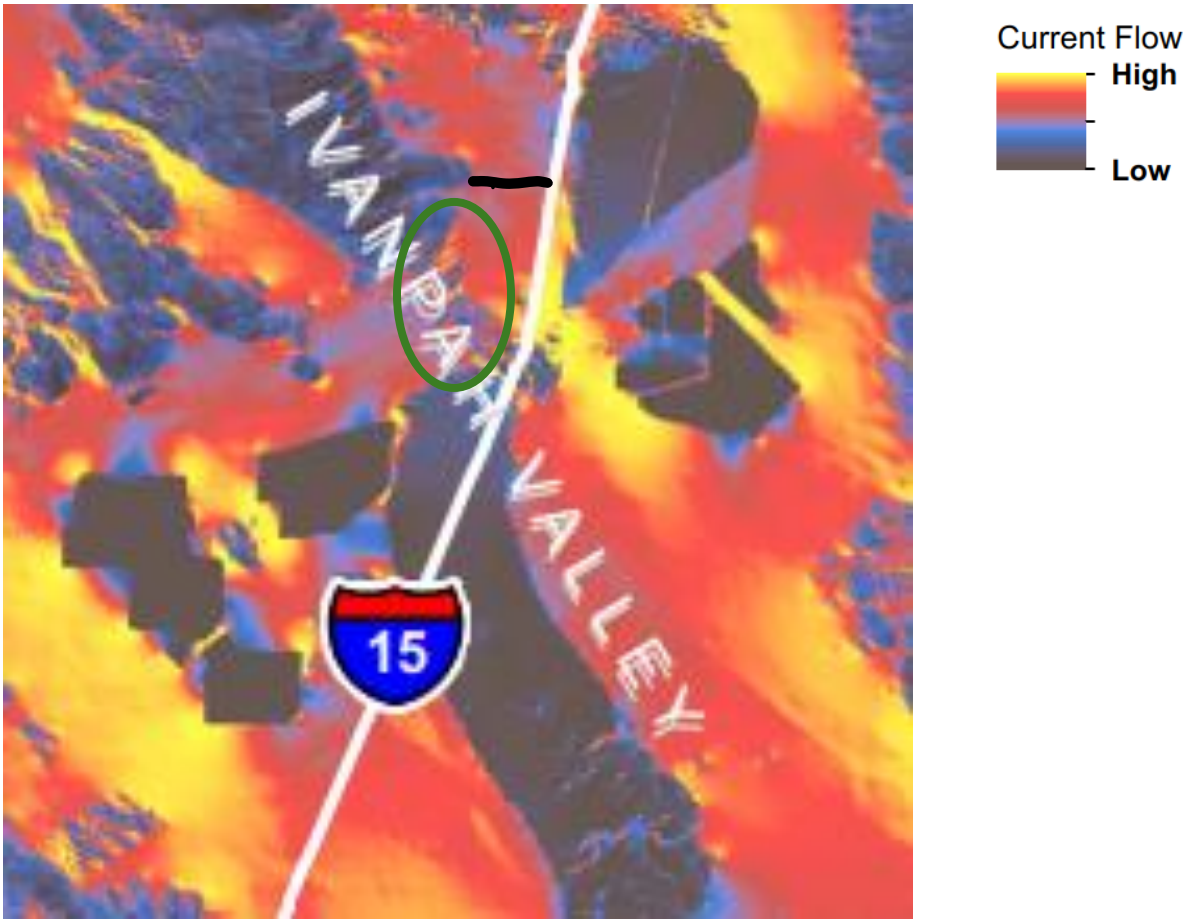
Comment: We support the actions to improve habitat within the LSTS, and also recommend that BLM address the issue of OHV use through actions recommended above under comment number 1.

3. **Goal 3: Improve North-South Desert Tortoise Habitat Connectivity Across the LSTS**: The EA states that "BLM would remove the approximately 1.25 miles of fencing, including T-posts, wire, and tortoise mesh, along the southern boundary of the LSTS. Two cattle guards would also be removed or relocated as part of this fence removal. To reduce surface disturbance and the potential for nonnative, invasive plant introduction and spread, the BLM would remove the existing fence by hand."

Comment: We support restoring connectivity across both the northern and southern ends of the LSTS, including the removal of desert tortoise barrier fence. However, we recommend leaving the t-posts and wire fence in place to prevent OHV use within and adjacent to the southern portion of the LSTS. Regarding connectivity across the southern boundary, BLM in California designated an Area of Critical Environmental Concern (ACEC) in Ivanpah Valley to protect remaining desert tortoises and connectivity across the state line between California and Nevada in 2016 with the goal to "Protect, maintain, manage, restore and acquire all remaining desert tortoise habitat within severely compromised linkages, specifically the Ivanpah Valley Linkage."

Below is a map of a portion of the Ivanpah ACEC.

Below is a map showing connectivity for the desert tortoise in Ivanpah Valley, with the linkage between the southern end of the LSTS (black line) and Ivanpah Valley in California circled in green. Source: Gray et al. (2019).



We recommend that BLM include additional actions to improve connectivity across the southern boundary of the LSTS to allow desert tortoises to move into suitable habitat in the Ivanpah Valley ACEC in California. Such actions should include 1) habitat restoration, 2) placing vehicle barriers across all washes and 3) controlling invasive weeds.

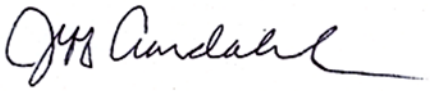
Comment: The EA states that "The indicator to measure habitat connectivity along the southern boundary of the LSTS is miles of fencing removed." We recommend that BLM include monitoring to determine if desert tortoises are moving through this relatively narrow linkage that is further constrained by topographic features. It is likely that the most probable movement paths would follow dry washes and more level terrain between the ridges and hills.

Comment: We recommend that BLM not only improve connectivity through the LSTS but also to the north of the LSTS by limiting land uses that impact connectivity and require translocation of desert tortoises, especially solar energy projects and/or other large-scale surface disturbance projects. This will ensure that connectivity persists into the future and desert tortoise populations will remain viable.

Conclusion

We support BLM's proposed restoration of habitat and restoring connectivity across the northern and southern ends of the LSTS. We recommend the additional actions identified in our comments be incorporated into the final Project to help ensure that the purpose and need and goals of the Project are achieved. Please contact us if you have any questions about our comments or would like additional information.

Sincerely,



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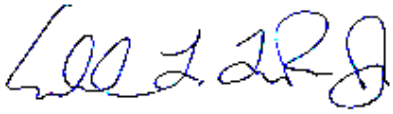

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Literature Cited

Berry, Kristin H., Lisa M. Lyren, Julie L. Yee and Tracy Y. Bailey. 2014. Protection Benefits Desert Tortoise (*Gopherus agassizii*) Abundance: The Influence of Three Management Strategies on a Threatened Species Source: Herpetological Monographs, 28(1):66-92.

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):1-16.