



**DESERT TORTOISE COUNCIL**

4654 East Avenue S #257B

Palmdale, California 93552

[www.deserttortoise.org](http://www.deserttortoise.org)

[eac@deserttortoise.org](mailto:eac@deserttortoise.org)

**Via email only**

4 February 2021

Attn: Chris Wonderly, Public Affairs Specialist  
Bureau of Land Management  
1785 Kiowa Ave  
Lake Havasu City, AZ 86403  
[blm\\_az\\_lhfoweb@blm.gov](mailto:blm_az_lhfoweb@blm.gov)  
[jwonderly@blm.gov](mailto:jwonderly@blm.gov)

RE: Bureau of Land Management's Proposed Lake Havasu Shoreline Trail System

Dear Mr. Wonderly,

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 potentially occupied by desert tortoises, our comments pertain to enhancing protection during activities authorized by the Bureau of Land Management (BLM). 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.

On 6 January 2021, the Council received a link to the BLM's proposed project from a third party Council member. In spite of continued requests that the BLM inform the Council of projects that may affect desert tortoises (see attached letter to BLM's Lake Havasu District Manager, William Mack, Jr., dated 12 November 2019), we mostly hear about projects on public lands managed by the BLM from third parties, and not the BLM directly. To address this concern, please update your contact list for discretionary actions that may affect any species of the desert tortoise and contact the Council directly at the email address provided in our letterhead.

The undated letter we accessed through the link (<https://www.blm.gov/press-release/blm-seeks-input-proposed-lake-havasu-shoreline-trail>) on 6 January 2021 includes the following project description: "We [BLM] are proposing to construct a trail system that delivers unique experiences by providing recreational opportunities along the shoreline of Lake Havasu. This proposed trail system encourages recreation access on the lake's shoreline and surrounding areas to sustain natural resources and recreational opportunities. A 30-mile-long Lake Havasu Shoreline Trail is proposed to travel along the natural terrain and rugged ridgetops primarily on BLM land. The trail would also cross Cattail Cove State Park and Bill Williams National Wildlife Refuge in some places." Another announcement provides additional information [[Letter on Proposed Lake Havasu Shoreline Trail \(blm.gov\)](#)] : "[W]e would construct up to 30 miles of trail, with the possibility of expansion in the future" and "we would also build, adopt, retrofit, or realign existing single-track routes along the shoreline." The "trail system would attract mountain bikers, trail runners, and hikers."

No environmental documents were provided, nor did the letter indicate that the solicitation constitutes a call for public scoping comments or that any environmental documents would be developed. Even so, we interpret the BLM's offer "...to provide us with written comments regarding the Lake Havasu Shoreline Trail project" to represent a solicitation of scoping comments, which is the purpose of this letter. Because the proposed project is a discretionary action that would be authorized, partially funded, and/or implemented by the BLM and may have adverse effects on the desert tortoise and other wildlife species and their habitats, we also fully expect the BLM to complete an Environmental Assessment (draft EA) for public comment, and to receive a copy of that document so we can see how our comments have been incorporated or addressed, and how the BLM intends to mitigate impacts to tortoises and their habitats if the project is implemented.

We note the following information on the second page of the two-page letter: "The Lake Havasu Field Office manages 73 boat access shoreline campsites along 20 miles of the shore of Lake Havasu. The shoreline sites are heavily occupied in summer. They offer barbecue grills, trash receptacles, toilets, and shade structures. These campsites are used primarily for camping, fishing, picnicking, and sightseeing, and they allow visitors to enjoy the recreational opportunities overnight or just for the day."

We ask that the draft EA document current management in terms of impacts to tortoises and existing measures that are intended to inform visitors to the campsites and the future trail system (e.g., mountain bikers, etc.) that tortoises are in the area, and identifies protective measures that must be implemented to protect tortoises, other wildlife, and associated habitats. We also ask that the BLM analyze available data and inform the public in the draft EA as to which species occurs in the area: Mojave desert tortoise (*Gopherus agassizii*) and/or Sonoran desert tortoise (*G. morafkai*).

We ask that the draft EA address our following concerns regarding education of the public about tortoises and conservation of tortoises: (1) How many tortoises have been reported injured or killed within the management area? (2) Are there any existing kiosks and/or signage in place that inform visitors, for example, to watch for tortoises, remain on trails, not collect animals, and check beneath their vehicles before moving them? (3) Which other materials, like educational brochures, are made available to visitors to inform them of these issues? (4) How many tortoises occur in the project area? Have there been recent (or any) focused tortoise surveys? (5) What would be the direct and indirect impacts to tortoises and their habitats from the construction and use of this trail system? (6) How would these impacts be mitigated and monitored to determine their effectiveness? (7) What has BLM done to inform visitors that common ravens are tortoise predators, and which measures have been implemented to minimize subsidizing ravens with food items?

The above information includes a partial list of potential methods to educate the public and address our other concerns, but the intent of the request is for BLM to document in the draft EA both existing and proposed protective measures for the tortoise and educational measures for the public so the Council may have an opportunity to recommend remedies where information may be lacking/inadequate. For example, if there are no existing kiosks, brochures, or other educational materials currently used to inform visitors that tortoises are in the area and their protected status, we ask that the BLM identify such materials and methods in the draft EA that will be implemented to minimize impacts to tortoises and habitats resulting from the trail system construction, maintenance, and use. If not already, consider the use of dumpsters and other trash receptacles that prevent the feeding of wildlife, including tortoise predators like common raven and coyote. Such devices have been successful at reducing subsidies to these known tortoise predators.

We note that the new trail system may impact the Bill Williams National Wildlife Refuge managed by the U.S. Fish and Wildlife Service (USFWS) and Cattail State Cove Park and SARA Park managed by Arizona State Parks. We assume that these agencies have been contacted and will likely have comments and input into the system. We ask that all comments from these agencies and other stakeholders be provided as an appendix to the draft EA so that we can provide informed input to the environmental document(s) when they become available. We would like to see evidence in the draft EA that informal Section 7 consultation under the Federal Endangered Species Act between BLM and USFWS was conducted.

Since BLM is a member of the Arizona Interagency Desert Tortoise Team, we request that BLM implement all current Arizona Game and Fish Department (AGFD) guidance relative to protection of Mojave and/or Sonoran desert tortoises included in the following documents: Desert Tortoise Survey Guidelines for Environmental Consultants (AGFD 2010); Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects (AGFD 2014); and Recommended Standard Mitigation Measures for Projects in Sonoran Desert Tortoise Habitat [Arizona Interagency Desert Tortoise Team (2008)]. We expect that the draft EA will show results of tortoise surveys (AGFD 2010) and document standardized protective measures [Arizona Interagency Desert Tortoise Team (2008)] that would be applied to this project.

We have referenced Desert Tortoise Survey Guidelines for Environmental Consultants (AGFD 2010) in the above list to inform the BLM that we believe tortoise surveys should be performed within the “action area,” which is defined by regulation as all areas to be affected directly or indirectly by proposed development and not merely the immediate area involved in the action (50 CFR §402.02). Results of these surveys should be considered in terms of trail enhancement and maintenance, and may inform the BLM of any higher tortoise density areas where increased law enforcement, signage, occupied habitat avoidance, etc. would be prudent.

We appreciate this opportunity to provide scoping comments and look forward to being notified of the availability of the draft EA so that we can provide input on effective ways to protect tortoises during any authorized project activities. Herein, we reiterate that the Desert Tortoise Council wants 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 particular project is provided to us at the contact information listed above. We also ask that you acknowledge receipt of this letter as soon as possible so we can be sure our concerns have been received by the appropriate parties.

Regards,



Edward L. LaRue, Jr., M.S.  
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

### **Literature Cited**

[AGFD] Arizona Game and Fish Department. 2010. Desert Tortoise Survey Guidelines for Environmental Consultants.

<https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/2010SurveyguidelinesForConsultants.pdf>

Arizona Game and Fish Department. 2014. Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects

<https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/2014%20Tortoise%20handling%20guidelines.pdf>

Arizona Interagency Desert Tortoise Team. 2008. Recommended Standard Mitigation Measures for Projects in Sonoran Desert Tortoise Habitat. June 2008.

<https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/MitigationMeasures.pdf>

### **Attachment**

Desert Tortoise Council. 2019. Reiteration of the Desert Tortoise Council’s Previous Requests as An Affected Interest for Notification of Bureau of Land Management Proposed Actions Affecting the Desert Tortoises or Habitats. Unpublished memo sent to William Mack, Jr. and other Arizona BLM District Managers on 12 November 2019.