



DESERT TORTOISE COUNCIL

4654 East Avenue S #257B

Palmdale, California 93552

www.deserttortoise.org

eac@deserttortoise.org

Via email only

4 November 2021

Mr. Craig Beck
Bureau of Land Management
Ridgecrest Field Office
300 South Richmond Road
Ridgecrest, CA 93555
cbeck@blm.gov

Ms. Katrina Symons
Bureau of Land Management
Barstow Field Office
2601 Barstow Road
Barstow, CA 92311
ksymons@blm.gov

RE: Lost Coyotes Dual Sport Motorcycle Ride; Special Recreation Permit-SR22-03

Dear Mr. Beck, Ms. Symons,

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 occupied by Mojave desert tortoise (*Gopherus agassizii*) (synonymous with Agassiz's desert tortoise), our comments pertain to enhancing protection of this species during activities authorized by the Bureau of Land Management (BLM), which we assume will be added to the Decision Record as needed. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed project.

Despite dozens of requests that the Council be identified as an affected interest and to be contacted by BLM for projects affecting tortoises, the Council was informed by a third party on 18 October 2021 of this project. I immediately sent emails to Carl Symons in Ridgecrest, Katrina Symons in Barstow, and Carrie Woods, currently in the Desert District Office of the BLM on 18 October 2021. On 21 October 2021, Mr. Symons responded with a link, which indicated that the notice was posted on the BLM's eplanning site on 6 October 2021. The notice does not indicate the due date for comments, which we assume is a 30-day period, with a deadline of 6 November 2021. Although Craig Beck of the Ridgecrest Field Office is identified as BLM's contact, we note that parts of the event will also occur on lands managed by the Barstow Field Office, so we are sending this email to Ms. Symons as well, and trust that she will direct it to the appropriate staff.

Except for the notice included in the link provided by Mr. Symons, there was no date for the event, nor were any environmental documents provided, and except for a mention of a "GPS track of the course to follow," no protective measures were identified in the notice. The project description includes the following information: "This one-day dual sport ride originates from and ends within the community of Boron, California. The ride would occur on designated roads and trails within the Black Mountain, Fremont Peak, Rand, and Red Mountain sub-regions of the West Mojave Route Network Project. Participants will be provided a GPS track of the course to follow. All vehicles would be street legal. This CX [categorical exclusion] may cover up to 10 years' worth of permitted activities based upon annual review and satisfactory performance."

First, we feel it is extremely important that more information be available so we can provide meaningful input, particularly since the categorical exclusion may cover this (and similar) events over a 10-year period. We also question the expectation that a categorical exclusion is appropriate for a 10-year period, which seems exorbitant. We note that in the West Mojave, tortoises have declined by more than 50% since 2004 (Allison and McLuckie 2018) and the declines are continuing. As such, we believe that the BLM should analyze this and other recreational events far more frequently than 10 years to see if additional measures are warranted and if the categorical exclusion as currently written would still be appropriate for future events.

We note that there are no maps to show where the route is located, but recognize from the project description that the course will pass through desert tortoise critical habitat. Ed LaRue visited the area on 26 October 2021, between Highway 395 and Fremont Peak and areas south of Cuddeback Lake, and was alarmed by the amount of cross-country vehicle activity in these parts of the Fremont-Kramer Critical Habitat Unit. LaRue noticed that BLM has created numerous fenced, semi-barren camping areas along both Cuddeback Lake Road and Fremont Peak Road.

Whereas we appreciate that the BLM is attempting to curtail rampant vehicle impacts, we also note that creating fenced camp sites essentially validates these as official BLM camps that will undoubtedly attract more and more users to these areas. Many of them, particularly along Cuddeback Road are named, which further validates them as focal spots for camping that leads to obvious habitat impacts that are not being curtailed by placement of red Carsonite, closed signs. Our concern is that participants in the dual sport will be introduced to tortoise critical habitat areas, and that for many of them, they will recognize these campsites as future opportunities to camp and introduce more impacts into adjacent critical habitat. As such, cumulative if not "growth-inducing" impacts may occur. To our knowledge there has been no public input on creating these official-looking camp areas in tortoise critical habitat. Under what authority can BLM create such camping areas without public input? Are there baseline and subsequent monitoring data to demonstrate that these *de facto* camping areas are having the desired effect of minimizing impacts, and not promoting more impacts by concentrating campers and recreational vehicle in these focal areas?

While working for the BLM on the West Mojave Plan in the early 2000s, LaRue was invited by the American Motorcyclist Association to personally participate in a 125-mile dual sport event between El Mirage and Johnson Valley open areas. His impression was that the event was well run and included meaningful protective measures, but again, for this project, there is no information to inform the affected public, including the Council, if the BLM has similar protective measures for this proposed action. So, although the following measures may be a part of the event(s), in the absence of documents we can review, we offer the following recommendations for this and similar dual sport events in desert tortoise habitat.

The events should occur outside designated critical habitat. The implementing regulations of the National Environmental Policy Act (NEPA) (40 CFR 1500.2) state that “Federal agencies shall to the fullest extent possible...use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.” If BLM is to comply with NEPA, we strongly request that BLM identify and implement one or more alternative routes for this and other dual sport events that are outside designated critical habitat for the Mojave desert tortoise. If BLM authorizes a route in critical habitat, we request that BLM include in the relevant NEPA documents why it is not possible to select a route outside critical habitat and a current analysis of all impacts to the Mojave desert tortoise and its designated critical habitat.

1. On the morning of the event, we recommend that either the BLM or a responsible member of the project proponent present a tailboard presentation to all participants of the mandatory protective measures to be implemented during the dual sport event. It is within the guidelines of the Council’s Education and Outreach Committee that we meet with such groups to talk about tortoises and the importance of remaining on roadways. Depending on the date of the event and our availability, LaRue or another Council member is more than willing to make this presentation to this and other dual sport participants. Does BLM distribute any handouts, like a tri-fold brochure, to inform participants of the sensitive habitats they are entering? If not, we strongly recommend that such education materials be developed for event participants, and particularly directed towards the children participating in the event.

2. There should be documented speed limits along all portions of the course, which we assume will include posted speed limits along paved portions of the route. Please note as per the following Land Use Plan Amendment (LUPA) in the Desert Renewable Energy Conservation Plan (DRECP) that BLM is obligated to inform all participants that a 15-mile per hour speed limit is mandatory: **LUPA-BIO-IFS-9:** “Vehicular traffic will not exceed 15 miles per hour within the areas not cleared by protocol level surveys where desert tortoise may be impacted;” that, or perform protocol-level surveys throughout the route. Additionally, when LaRue participated, we were told that we could not pass participants in front of us even if there was a sufficiently wide area to avoid impacting adjacent scrub. This measure was intended to maintain speed limits at an acceptable level.

3. Does this event require a flip chart that is mounted on the handlebars to let participants know they are entering tortoise critical habitat? Such a chart was used during the event in which LaRue participated, and served its intended purpose of elevating participants’ awareness that they were entering critical habitats that are deemed essential to tortoises. We recommend that BLM require a similar flip chart for this event.

4. Although the BLM's eplanning site does not include an event date, we assume it will be between October and December 2021. If so, it is important to inform participants at the initial tailboard that tortoises hatch in September and participants should watch for hatchling tortoises on the course. We have seen aboveground tortoises, and particularly smaller ones that are more susceptible to crushing, in every month of the year, although many people believe that tortoises are inactive from November to February.

5. All participants should be warned about discarding trash along the course or at their campsites. The pre-event presentation should inform participants about not attracting predators and ensure that all trash is packed out.

6. How will BLM ensure all protective measures are being implemented? Will there be any dedicated law enforcement officers present to observe the event? Will there be any pre-event monitoring efforts to establish a baseline and post-event monitoring to determine the effectiveness of protective measures? Such science-based studies would be designed to determine the types and extent of impacts to the tortoise and its habitat (e.g., if there is significant straying from the course or an increase in trash deposited in adjacent areas). Will there be any compensation required to offset the direct, indirect, and cumulative impacts of the events to the tortoise? The BLM should require all these measures for all dual sport events in tortoise habitat.

7. Please be sure that the designated route does not cross lands managed by the Transitions Habitat Conservancy, Mojave Desert Land Trust, Mojave Environmental Holdings, LLC, Desert Tortoise Preserve Committee, other land conservancies or West Mojave Ecological Reserve, which is managed by the California Department of Fish and Wildlife (CDFW). Each of these entities possesses either Memoranda of Understanding or Conservation Easements with CDFW that prohibit organized off-highway vehicle events on these dedicated lands. Some of the lands in the region that must be avoided are shown in Attachment 1 (for West Mojave Ecological Reserve), 2 and 3 (Transitions Habitat Conservancy).

We appreciate this opportunity to provide input and trust that our comments will help protect tortoises during such authorized recreational 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 project is provided to us at the contact information listed above. 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.

Regards,



Edward L. LaRue, Jr., M.S.

Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

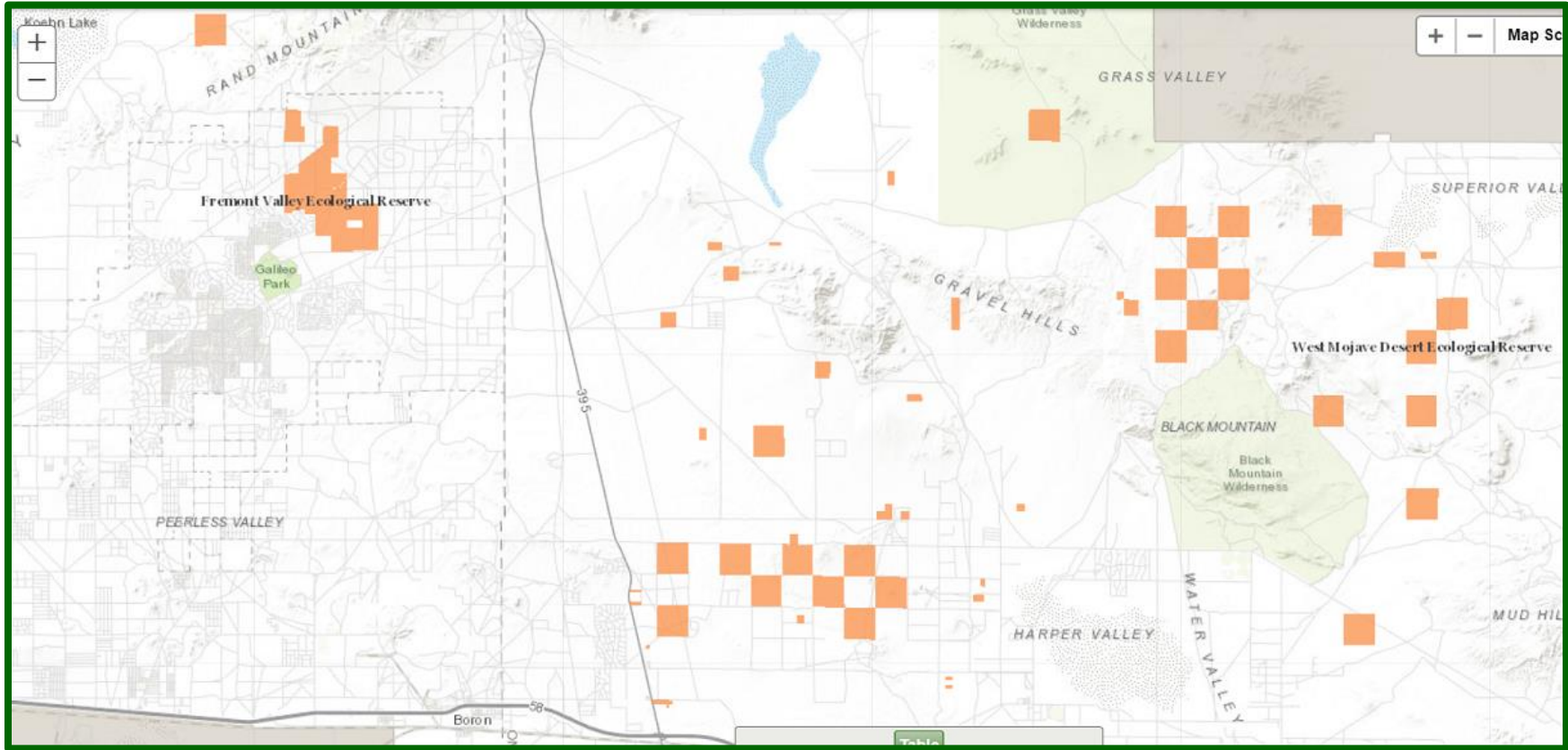
cc: California State Clearinghouse, state.clearinghouse@opr.ca.gov

Literature Cited

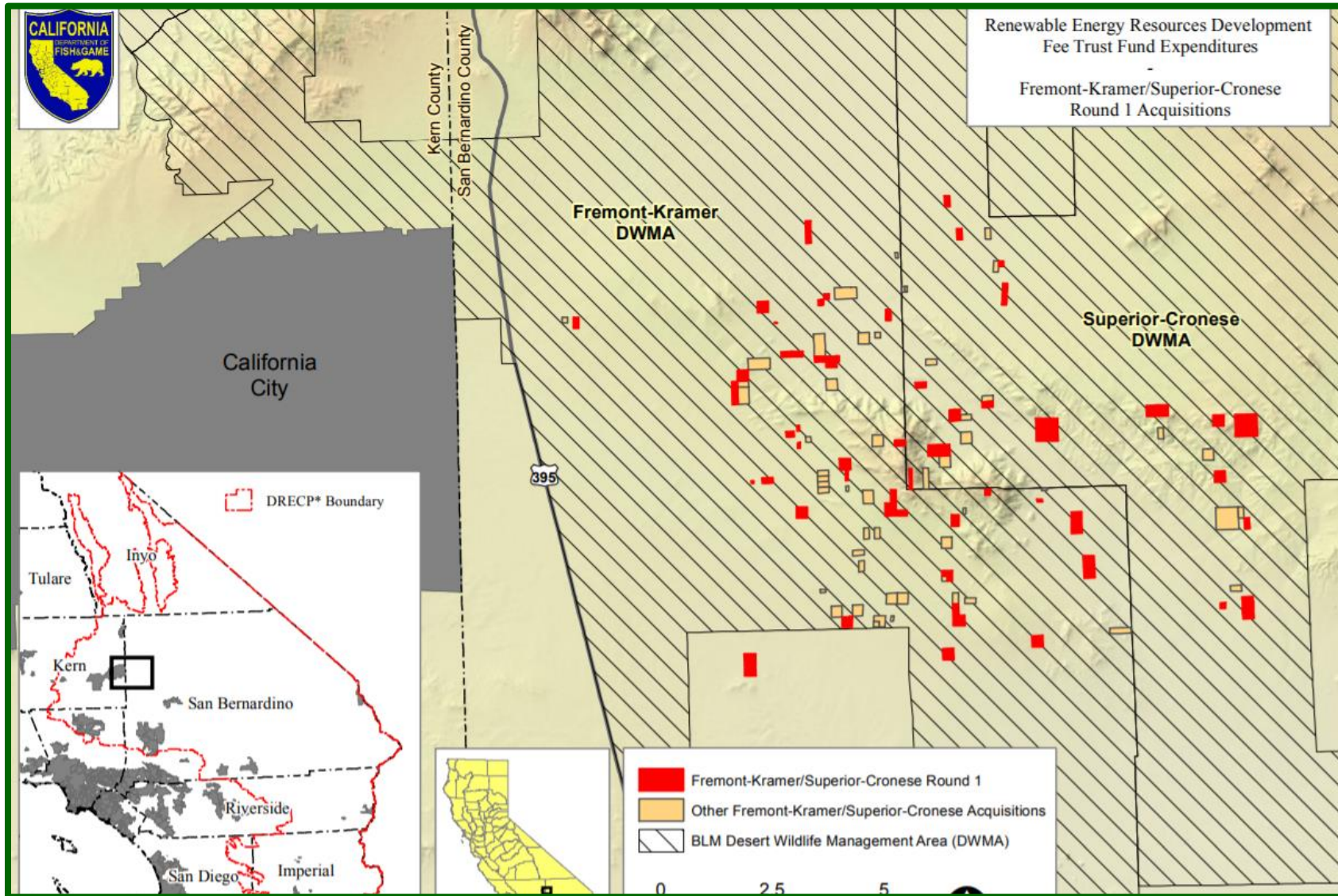
Allison, L.J. and A.M. McLuckie. 2018. Population trends in Mojave desert tortoises (*Gopherus agassizii*). *Herpetological Conservation and Biology* 13(2):433–452.

Three Attachments

Attachment 1. West Mojave Ecological Reserve Lands



Attachment 2. Round 1 Acquisition Lands by Transitions Habitat Conservancy



Attachment 2. Round 2 Acquisition Lands by Transitions Habitat Conservancy

