



DESERT TORTOISE COUNCIL

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Via email only

11 May 2021

Mr. Jimmy Linares
Bureau of Land Management
Las Vegas Field Office
jlinares@blm.gov

RE: BEST ATV Tours Las Vegas-Nelson Hills (DOI-BLM-NV-S010-2021-0044-CX)

Dear Mr. Linares,

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 likely 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). 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.

In spite of dozens of requests to be considered as an Affected Interest on projects that may affect the desert tortoise (see attached 2019 letter to Tim Smith, District Manager, So. Nevada District at <https://www.dropbox.com/s/xx5wmxcae1c1cju/BLM%20Southern%20Nevada%20District%20Managers%20Council%20as%20an%20Affected%20Interest.11-7-2019.pdf?dl=0>), the Council was alerted to this project by a third party, not by the BLM.

Upon accessing the BLM eplanning website (see screen shot at the end of this letter), we found minimal information on this project, no links to or mention of any documents to be reviewed, and a statement that the project is being considered as a Categorical Exclusion. There was no information provided about the project description or location of the action, except that it is in the Nelson Hills area, perhaps in the Eldorado Valley, and may or may not be in designated critical habitat for the tortoise.

Given these deficiencies, herein the Council re-emphasizes that we have not been identified as an Affected Interest, have not been alerted to this project by the BLM, and do not have access to any available documents. The deadline for comment is May 8, 2021, which is tomorrow. If there are documents that are available for review, we ask for a two-week extension to this deadline so we have a realistic chance to review those documents.

The brief announcement provides the only thing we know about this project: “BEST ATV Tours Las Vegas has applied for a Special Recreation Permit to conduct ongoing, commercial off-highway vehicle tours in the Nelson Hills area near Nelson, Nevada. BEST is proposing to utilize all-terrain vehicles (ATV) and utility-terrain vehicles (UTV) to conduct their tours. Tours will be conducted on existing roads and trails. Staging of equipment will be on previously disturbed areas. Other equipment associated with the proposed tours includes trailers, full-size trucks, and passenger van/shuttles, and portable toilet(s).”

Following are the questions that we have for the BLM. However, we do not know from the available information if an Environmental Assessment (EA) will be prepared in which these questions can be answered, as the BLM has not adequately explained supporting documentation for a Categorical Exclusion. We believe that an EA should be prepared and ask that, at a minimum, the following questions be addressed in that or another environmental document:

1. How will the BLM ensure that this activity will not affect tortoises? We note that if the activity “may affect” tortoises, BLM will be required to complete Section 7 consultation on this project, which may require a formal biological opinion.
2. How does BLM plan to educate users about tortoises to minimize impacts to animals and their habitats? Given that this decision may result in increased levels of recreational activity, we believe that BLM may need to use educational materials, such as brochures, and that kiosks or other signs may also be warranted.
3. We cannot tell from the announcement if this activity will occur within tortoise habitats, but assume that if it is in the Eldorado Valley that it may affect tortoises and perhaps even critical habitat. Again, we believe that an EA is in order to analyze impacts for this activity, and that planned activities should be mapped relative to known tortoise distribution and densities. For example, we know that U.S. Fish and Wildlife Service (USFWS) has translocated tortoises into the Eldorado Valley area, and ask if these authorized activities may affect those animals?
4. How does the BLM plan to monitor these activities? Will there be increased law enforcement in the affected area to enforce rules (if any) associated with this activity? Will there be any seasonal restrictions associated with heightened tortoise activity in the spring and fall?

The Council believes that these and numerous other questions need to be analyzed in an EA or other environmental document. Herein, we ask that the Desert Tortoise Council 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. Finally, if there are existing environmental documents to be reviewed that were not provided in the eplanning announcement, we request a two week extension after receipt of those materials, to have sufficient time to review and comment on the document(s).

Regards,

A handwritten signature in blue ink, appearing to read "E. LaRue, Jr.", is enclosed in a light blue rectangular box.

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

Attachments

Screen shot of BLM announcement

BEST ATV Tours Las Vegas-Nelson Hills

Project Information

NEPA Number: DOI-BLM-NV-S010-2021-0044-CX
Project Name: BEST ATV Tours Las Vegas-Nelson Hills
Project Type: Categorical Exclusions
Project Status: In Progress - Analysis & Document Preparation
Lead Office: Las Vegas FO
Last Updated: 04/08/2021, 13:05:35 MDT

Project Description

BEST ATV Tours Las Vegas has applied for a Special Recreation Permit to conduct ongoing, commercial off-highway vehicle tours in the Nelson Hills area near Nelson, Nevada. BEST is proposing to utilize all-terrain vehicles (ATV) and utility-terrain vehicles (UTV) to conduct their tours. Tours will be conducted on existing roads and trails. Staging of equipment will be on previously disturbed areas. Other equipment associated with the proposed tours includes trailers, full-size trucks, and passenger van/shuttles, and portable toilet(s).

Application Information

Program: Recreation and Visitor Services
Sub-Program: Special Recreation Permits (Guiding, Race Events, etc.)



Project Location

City:
State/Territory:

