



November 9, 2023

Bureau of Land Management
Nevada State Office
1340 Financial Blvd.
Reno, Nevada 89502
Sent via email to: blm_nv_srp_ea@blm.gov

RE: OHV Special Recreation Permit (SRP) Project

Dear Sir or Madam:

Thank you for the opportunity to submit comments on the draft Programmatic Environmental Assessment (PEA) for permitted off-highway vehicle (OHV) events in Nevada. This comment letter is submitted by Defenders of Wildlife (Defenders) on behalf of its 2.1 million members and supporters in the U.S., and the Desert Tortoise Council (Council).

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 comprised 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.

Background Information

To ensure adequate consideration of environmental effects and to improve timeliness of agency response to SRP applications, the Bureau of Land Management (BLM) Nevada State Office has identified the need for a PEA for issuing OHV Special Recreation Permits on BLM-administered public lands in the Ely, Southern Nevada, Battle Mountain and Carson City District Offices, and specifically in the Caliente, Tonopah, Pahrump, Stillwater and Sierra Front Field Office jurisdictions. The affected area consists of 26,712,350 acres of BLM-administered public land and approximately 8,879 miles of existing routes that are currently open for OHV use.

BLM is not proposing any changes to the designated routes in the PEA. The PEA will analyze a range of typical permitted OHV SRP events on existing designated open routes within the project area. The analysis will result in a consistent and comprehensive list of stipulations that, when approved, will apply to future SRP events, thereby streamlining the issuance of SRPs and reducing impacts on the human environment.

Additionally, there is a need to comply with the Federal Land Policy and Management Act (FLPMA) of 1976, which establishes outdoor recreation as one of the principal uses of public lands and directs the Secretary of the Interior to regulate, through permits or other instruments, the use of public lands (43 CFR 2931.3).

Comments

Defenders and the Council provide the following comments.

1. Compliance with FLPMA, the Endangered Species Act (ESA) and National Environmental Policy Act (NEPA): FLPMA directs BLM to manage public lands not only for outdoor recreation, but also to achieve certain outcomes, which we recommend be added to the final PEA, as follows:

- The principles of multiple use and *sustained yield* govern the BLM's stewardship of public lands, unless otherwise provided by law [emphasis added];¹
- The public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; values; that, where appropriate, will preserve and protect certain public lands in their natural condition;²
- Prevent permanent impairment of the productivity of the land and quality of the environment;³
- By regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands;⁴ and
- Give priority to the inventory, designation and protection of Areas of Critical Environmental Concern (ACECs) and to promptly develop associated regulations and plans.⁵

¹ See 88 Fed. Reg. 19584 (Monday, April 3, 2023)

² 43 U.S.C. § 1701(a)(8)

³ 43 U.S.C. § 1702(c)

⁴ 43 U.S.C. § 1732(b)

⁵ 43 U.S.C. § 1712(c)(3); id. § 1701(a)(11); see also id. § 1711(a) (requirement to maintain an inventory of public land resources and values)

The ESA requires BLM to carry out conservation programs for the recovery of listed species⁶ and requires federal agencies to ensure any actions authorized, funded or carried out are not likely to jeopardize species or destroy or adversely modify critical habitat.⁷

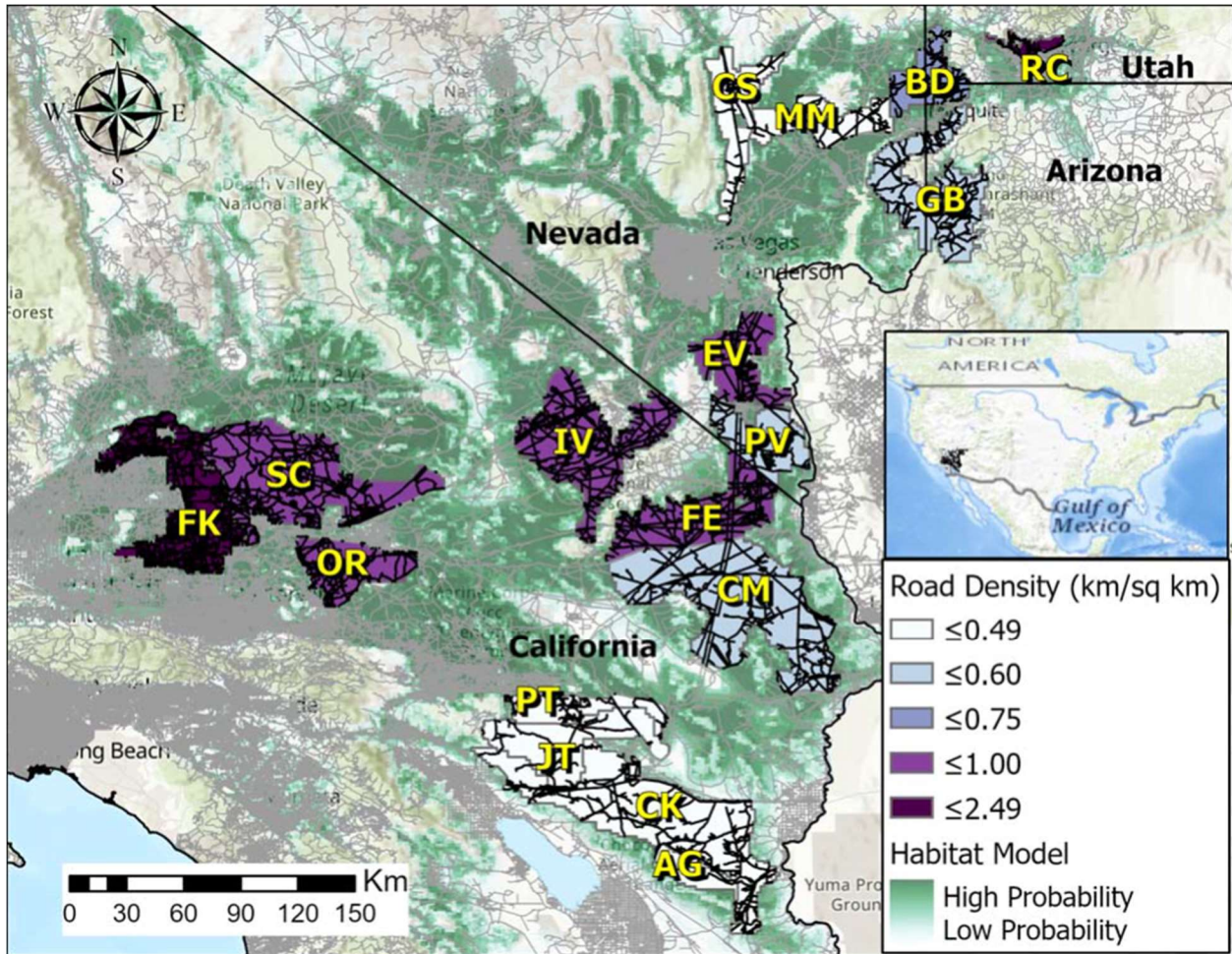
NEPA requires federal agencies to analyze the effects of activities on the environment and to prepare an Environmental Impact Statement for effects that have the potential to be significant. We request that an Environmental Impact Statement be prepared because the effects on the environment have the potential to be significant (see also comment #7).

2. OHV Threats and Impacts on the Desert Tortoise: Widespread and intense OHV recreation has occurred for decades within desert tortoise habitat within the affected area, especially in southern Nevada close to the Las Vegas metropolitan area. All types of SRP events have been located in southern Nevada, including high-speed racing events involving motorcycles and highly modified four wheeled vehicles.

Averill-Murray and Allison (2023) found that all BLM resource management plans throughout the range of the desert tortoise failed to account for road density and that tortoise populations declined within all conservation areas with road densities greater than 0.75 km/km². They calculated road density within desert tortoise critical habitat units (CHUs) and prepared the route density map, below.

⁶ Section 7(a)(1)

⁷ Section 7(a)(2)



In Nevada, road density in the Eldorado Valley CHU was $1.0/\text{km}^2$, exceeding the maximum density of $0.6 \text{ km}/\text{km}^2$ recommended by the authors. Averill-Murray and Allison also recommended that road densities of less than $0.6 \text{ km}/\text{km}^2$ may be necessary in areas with particularly sensitive, declining or threatened species, such as the desert tortoise. The density of adult desert tortoises in the Eldorado Valley CHU in 2019 was $2.3/\text{km}^2$, which was significantly lower than the minimum viable density of $3.9/\text{km}^2$ according to the U.S. Fish and Wildlife Service (USFWS) in the 1994 Recovery Plan (USFWS 1994). Averill-Murray and Allison used TIGER data to establish road density, which does not account for OHV trails, so actual density of roads and trails in their study areas are much greater. We recommend that BLM update road and trail density in the affected area and revise route designations to achieve a maximum road and trail density of $0.6 \text{ km}/\text{km}^2$ and less than $0.6 \text{ km}/\text{km}^2$ in the Eldorado Valley CHU, and in any area where adult desert tortoise density is below the minimum viable density of $3.9/\text{km}^2$ based on our recommendation that BLM inventory route density in areas where SRPs for OHV events would be issued.

Direct mortality from vehicles on paved roads and highways typically creates zones of up to 0.4 kilometers from roads where desert tortoises are largely absent, which create population depression zones (von Seckendorff Hoff and Marlow 2002; Nafus et al. 2013; Peaden et al. 2015). This single effect can severely reduce both demographic and genetic connectivity of desert tortoise populations across the species' range (Averill-Murray et al. 2021).

Indeed, BLM recognizes threats to the desert tortoise and its critical habitat in the draft PEA, which states, *The Proposed Action includes OHV SRP routes within desert tortoise critical habitat (59 Federal Register 5820–5866) within the southernmost extent of the jurisdiction of the Caliente Field Office (Appendix B, Figure 3.3-1), as well as potential habitat within Tonopah Field Office. Potential desert tortoise habitat in the project area includes Mojave warm desert and mixed scrub, barren landscapes, and sand dunes and badlands. The Proposed Action could result in tortoises being struck or crushed on routes or in staging areas. Tortoises are often drawn to shelter in the shade of parked vehicles and therefore risk being crushed when vehicles are moved. Tortoises, particularly younger individuals, risk being harassed or injured by any dogs brought in by recreational users. OHV SRPs authorized by the Proposed Action, including both races and low-speed non-competitive SRPs, have potential to result in trash and food waste that can attract species that predate desert tortoise (particularly small juvenile tortoises) including ravens and coyotes.”*

BLM proposes to require the following mitigation measures to *avoid harassment or harm of desert tortoise:*

- HIGH-TE-01 and LOW-TE-01 will require notification of the BLM if any tortoise is injured or killed, or if a dead or injured tortoise is found;
- HIGH-TE-02 and LOW-TE-03 will require a field contact representative, who will be responsible for overseeing compliance with protective stipulations for the desert tortoise;
- HIGH-TE-03 and HIGH-TE-04, LOW-TE-04 and LOW-TE-05 will prohibit the handling and require the avoidance of desert tortoise;
- LOW-TE-06 will require inspection under vehicles for desert tortoise;
- HIGH-TE-05 and LOW-TE-07 will require remuneration fees for any new land disturbance.
- HIGH-TE-06 and LOW-TE-08 will require that all activity cease if a desert tortoise enters an area of activity.

Measures HIGH-TE-01 and LOW-TE-01 will not avoid harassment or harm to the desert tortoise because it applies to desert tortoises having already been injured or killed. Measures HIGH-TE-06 and LOW-TE-08 appear difficult to effectively enforce, especially during a race event involving multiple OHVs where operators may not see desert tortoises due to impaired visibility due to dust and are focused on driving rather than being observant of desert tortoises. HIGH-TE-05 and LOW-TE-07 are based on the assumption that desert tortoise habitat will be lost due to some operators deviating from the approved routes, which has occurred during past OHV racing events.

Line-distance sampling by the USFWS has documented significant declines in densities of adult desert tortoises in CHUs in Nevada, as shown in the following table.

Northeastern Mojave Recovery Unit

Year	Critical Habitat Unit				
	Eldorado	Coyote Springs	Mormon Mesa	Gold Butte-Pakoon	Beaver Dam Slope ⁸
2016	2.7	4.2	2.1	Not surveyed	5.6

⁸ Beaver Dam Slope extends into Arizona.

2017	5.6	Not surveyed	Not surveyed	1.9	1.3
2018	Not surveyed	Not surveyed	3.6	2.3	5.1
2019	2.3	3.2	Not surveyed	Not surveyed	2.0
2020	Not surveyed	Not surveyed	Not surveyed	Not surveyed	Not surveyed
2021	Not surveyed	Not surveyed	5.2	2.4	Not surveyed

Line-distance sampling was performed in CHUs where, in theory, protection is higher, suggesting that declines outside of critical habitat is much greater.

BLM documented opportunistic observations of desert tortoises killed by OHVs on designated open routes within and outside CHUs in the Western Mojave and reported them to the USFWS (BLM 2020) as required by the West Mojave Plan route designation project’s biological opinion. Although these mortalities were reported in the Western Mojave, they document that OHVs kill desert tortoises in general, and we believe this is occurring in Nevada where both permitted and unpermitted OHV events and use are allowed. BLM reported the following roadkill mortalities as one form of direct take of tortoises:

- 4/26/2016: Subadult roadkill on BLM open route, Western Mojave Recovery Unit, Ord-Rodman CHU
- 3/20/2017: Juvenile roadkill on BLM open route, Western Mojave Recovery Unit, Fremont-Kramer CHU
- 10/14/2017: Adult roadkill on BLM open route, Western Mojave Recovery Unit, El Mirage Management Area
- 3/26/2018: Juvenile roadkill on BLM open route, Western Mojave Recovery Unit, Fremont-Kramer CHU
- 3/30/2018: Adult roadkill on BLM open route, Western Mojave Recovery Unit, Fremont-Kramer CHU
- 4/29/2019: Adult roadkill on BLM open route, Western Mojave Recovery Unit, Ord-Rodman CHU
- 8/26/2019: Juvenile roadkill on BLM open route, Western Mojave Recovery Unit, Ord-Rodman CHU
- 8/26/2019: Adult roadkill on BLM open route, Western Mojave Recovery Unit, Ord-Rodman CHU
- 9/5/2019: Adult roadkill on BLM open route, Western Mojave Recovery Unit, Ord-Rodman CHU
- 3/9/2020: Adult roadkill on BLM open route, Western Mojave Recovery Unit
- 4/3/2020: Adult roadkill on BLM open route, Western Mojave Recovery Unit
- 4/20/2020: Juvenile roadkill on BLM open route, Western Mojave Recovery Unit

- 4/26/2020: Subadult roadkill on BLM open route, Western Mojave Recovery Unit, Ord-Rodman CHU
- 5/5/2020: Juvenile roadkill on BLM open route, Western Mojave Recovery Unit
- 8/8/2020: Adult roadkill on BLM open route, Western Mojave Recovery Unit, Spangler Hills OHV Open Area

Actual direct mortalities are likely much higher than reported because the mortality observations were opportunistic rather than from systematic, science-based monitoring. Other forms of direct mortality facilitated by OHV use include collection, vandalism and gunshots.

The Southern Nevada office of the USFWS issued a biological opinion to the BLM Southern Nevada District Office in 2020 (USFWS 2020) that updated the previous opinion issued for the 1998 Las Vegas Resource Management Plan (RMP) to account for any changes in land use activities and any new species listed in the past 20 years. Regarding the Piute-Eldorado CHU, USFWS stated, “**Currently, the most important impact to the Piute-Eldorado CHU is habitat fragmentation, degradation, and disturbance associated with casual OHV use, utility corridors, and transportation routes. Nelson Hills in Eldorado Valley, east of U.S. 95, has historically been used for casual and organized OHV events.**” (emphasis added).

3. Habitat Connectivity: On November 18, 2022 the BLM Assistant Director for Resources and Planning issued Instruction Memorandum 2023-005, Change 1, regarding Habitat Connectivity on Public Lands.⁹ That Instruction Memorandum (IM) directs BLM state offices to ***explicitly consider habitat connectivity, permeability, and resilience as a means to ensuring those self-sustaining populations.*** (emphasis added). Furthermore, the IM states, *The overarching policy intent of this IM is to ensure habitat connectivity, permeability and resilience is restored, maintained, improved, and/or conserved on public lands. To accomplish this outcome, BLM state offices will work with state and Tribal wildlife managers as well as other stakeholders to assess data regarding connectivity, permeability, and resilience and, based on that assessment, identify where to focus management that best supports priority species, and BLM will inventory public lands to assess habitat connectivity in order to determine how best to manage for it, by directing restoration activities or by identifying areas of habitat connectivity, which are habitats on BLM administered public lands that support or facilitate priority species movements and other ecological processes, such as seed dispersal, migrations, and stopover sites. Just as land management agencies have long inventoried riparian areas in order to manage for their value, this IM directs the Bureau to inventory areas of habitat connectivity in order to manage for intact habitat.*

Priority Habitat refers to habitat conditions, areas, or types that have been identified in Resource Management Plans or special studies as having special significance for focused management or conservation actions. Habitat connectivity refers to how and to what degree distinct sources of food, water, and shelter for fish, wildlife, and plant populations are distributed and inter-connected, both spatially and temporally, across terrestrial and aquatic ecosystems.

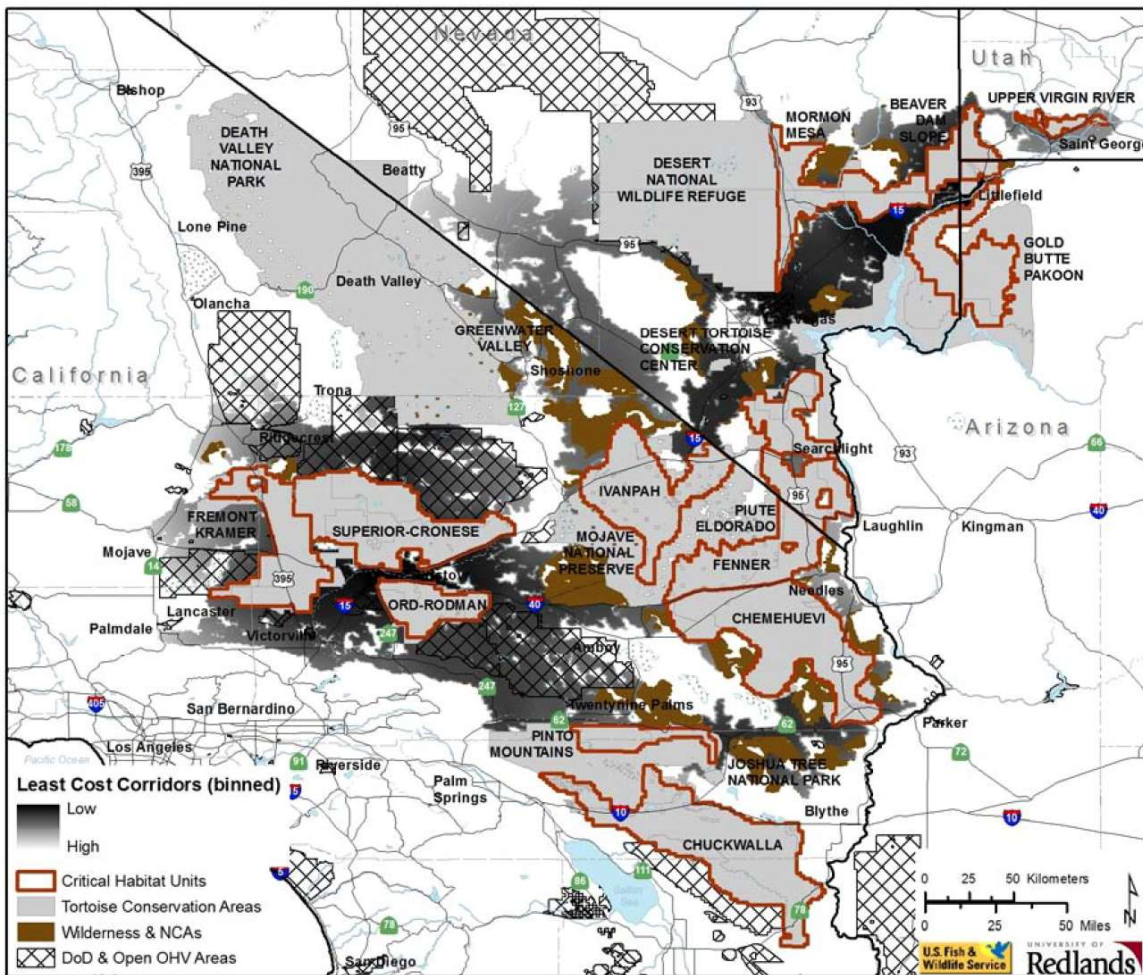
The White House Council on Environmental Quality issued guidance to federal agencies on Ecological Connectivity and Wildlife Corridors¹⁰ which states, *This guidance establishes a policy for Federal agencies to promote greater connectivity across terrestrial, marine, and freshwater habitats, as well as across airspace, to sustain the tremendous biodiversity that exists in the U.S. and enable wildlife to adapt to fluctuating environmental*

⁹ <https://www.blm.gov/policy/im-2023-005-change-1>

¹⁰ <https://www.whitehouse.gov/wp-content/uploads/2023/03/230318-Corridors-connectivity-guidance-memo-final-draft-formatted.pdf>

conditions, including those caused by climate change. To the maximum extent practicable, Federal agencies are expected to advance the objectives of this guidance by developing policies, through regulations, guidance, or other means, to consider how to conserve, enhance, protect, and restore corridors and connectivity during planning and decision-making, and to encourage collaborative processes across management and ownership boundaries.

Biologists from the Desert Tortoise Recovery Office of the USFWS coauthored a paper on desert tortoise connectivity (Averill-Murray et al. 2013) that emphasized the importance of maintaining genetic connectivity between CHUs, and the USFWS (2011) stated that “Maintaining genetic variability and sufficient ecological heterogeneity within and among populations is integral to Mojave desert tortoise recovery.” Below is a map of desert tortoise linkages between CHUs included in the paper (Averill-Murray et al. 2013; used with permission by the primary author).



We recommend that BLM prohibit OHV SRP events on public lands consistent with directives in IM 2023-005, Change 1, the Council on Environmental Quality Memorandum on Ecological Connectivity and Wildlife Corridors, and within the desert tortoise habitat linkages shown on the map, above, and analyze an alternative that specifies this.

4. **Proposed Action:** Under the proposed action, BLM would issue OHV SRPs on 8,879 miles of existing roads and trails in the Ely, Southern Nevada, Battle Mountain and Carson City Districts that are open to public use because of RMP or travel management decisions.

Many of the RMPs are outdated, such as the Las Vegas RMP, which was approved in 1998. Existing routes by definition are in flux. It only takes one errant OHV to drive cross country to create an additional existing route. These newly added routes (and likely the pre-existing ones) have not been subjected to NEPA or Section 106 (pursuant to the National Historic Preservation Act) compliance or subject to ESA consultation with the USFWS.

To put a finer point on the fact that existing routes are often made by users and not by a government agency through a deliberative process, we are unaware that BLM, in allowing OHV use on existing routes, complied with regulations governing the use of OHV on public lands. These regulations require BLM to apply impact minimization criteria to eliminate or reduce impacts to public land resources in deciding what routes will be designated as open to OHV use. Below are the designation and impact minimization criteria included in 43 CFR 8341.2:

The authorized officer shall designate all public lands as either open, limited, or closed to off-road vehicles. All designations shall be based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and the minimization of conflicts among various uses of the public lands; and in accordance with the following criteria:

- (a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability.*
- (b) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats.*
- (c) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.*
- (d) Areas and trails shall not be located in officially designated wilderness areas or primitive areas. Areas and trails shall be located in natural areas only if the authorized officer determines that off-road vehicle use in such locations will not adversely affect their natural, esthetic, scenic, or other values for which such areas are established.*

Section 8342.3 addresses OHV route designation changes, as follows:

Monitoring use. The authorized officer shall monitor effects of the use of off-road vehicles. On the basis of information so obtained, and whenever the authorized officer deems it necessary to carry out the objectives of this part, designations may be amended, revised, revoked, or other actions taken pursuant to the regulations in this part.

Absent application of the impact minimization criteria, the current designated open routes may be causing unacceptable impacts to wildlife resources such as the desert tortoise. **Please provide documentation that the designation criteria were complied with when BLM designated 8,879 miles of existing routes as open for OHV use, and monitoring reports documenting the effects of OHV use on the resources specified in the route designation criteria, above, including the desert tortoise and its habitat. If BLM cannot demonstrate compliance with**

the minimization requirements for all of the miles in question, BLM must pause this process until it applies the minimization criteria through a travel management planning process.

Regarding OHV speeds, BLM included an additional restriction #6: *Vehicles shall not exceed the legal speed limit (posted or unposted) of the road(s) used during the event. Clark County speed limit for unposted roads is 25 MPH.* **With this speed restriction in place within Clark County, please provide scientific justification for BLM approving high-speed OHV events outside of the four desert tortoise ACECs within Clark County.**

5. Alternatives to the Proposed Action: The draft PEA includes only one alternative, No Action, which is described as follows: *Under the No Action Alternative, BLM Field and District Offices would continue to receive and process SRP applications, complete NEPA processes, and assign stipulations on a case-by-case basis. The BLM anticipates the number and type of OHV SRP would generally be the same as under the Proposed Action. The routes and pit stops/staging areas used by OHV SRPs would be similar to those described under the Proposed Action.*

The No Action alternative is essentially the same as the Proposed Action. The National Environmental Policy Act (NEPA) and the Council on Environmental Quality's implementing regulations require federal agencies to identify and analyze a reasonable range of alternatives that can accomplish the purpose and need of the proposed action. BLM's purpose and need for the action is to **streamline the issuance of SRPs and reducing impacts on the human environment.** (emphasis added).

BLM states in the PEA that *A proposed action and alternatives must be consistent with applicable land use plans and in agreement with the terms, conditions, and decisions of the approved plan, or a plan amendment must be completed for the proposal to be approved per the NEPA Handbook (BLM 2008a)* (emphasis added). It appears BLM has arbitrarily decided to not consider any alternatives that would require an amendment of current RMPs, resulting in an inadequate range of alternatives analyzed in the PEA. Since the purpose and need includes **reducing impacts on the human environment** (emphasis added), BLM is required to identify and analyze additional alternatives to the Proposed Action that would reduce impacts to resources on public land within the affected area.

We urge BLM to analyze the following alternatives to the Proposed Action when the final EA for the project is prepared, even if they would require amending current RMPs:

- No SRPs for organized OHV events within ACECs;
- No SRPs for organized OHV events within Priority Habitat Management Areas and Important Habitat Management Areas for the greater sage grouse, except for nature or science-based educational tours;
- No SRPs for organized OHV events within the Nevada and California greater sage grouse Bi-State Distinct Population Segment;
- No SRPs for organized high-speed OHV events in wildlife connectivity habitat according to Instruction Memorandum 2023-005, Change 1: Habitat Connectivity on Public Lands;
- All SRPs for OHV events in Clark County (and any other county having OHV speed limits) will limit maximum vehicle speed to 25 mph.

6. Cumulative Impacts: The draft PEA indicates that BLM anticipates there will be an increase in OHV SRPs and number of participants based on historical trends, demand and participation rates. In addition, the open OHV routes will be used for other activities including dispersed touring and hunting; access associated with hiking, mountain biking and horseback riding; and other permitted uses such as access to mining operations, livestock grazing allotments and transmission and energy facilities.

Regarding cumulative impacts, the draft PEA states that other reasonably foreseeable activities in combination with the Proposed Action and alternatives would contribute to cumulative effects on some threatened, endangered and candidate species. Of concern is this statement in the draft PEA: *BLM notes that most of the threatened, endangered, and candidate species identified in the USFWS IPaC report do not occur near the project action area or would not be affected by activities in the vicinity, so there would be no cumulative increase in effects.* However, species potentially affected by the project include the threatened desert tortoise, endangered Southwestern willow flycatcher and threatened yellow-billed cuckoo. Potential impacts to a single listed species, let alone several that would be impacted by the Proposed Action, is a significant issue of concern.

We disagree with BLM's conclusion that *The stipulations associated with the OHV SRPs serve as a mechanism to curtail the potential for cumulative effects in conjunction with other foreseeable actions* and that *Other non-recreational permitted uses of the routes have their own stipulations and agreements with the BLM regarding road use and maintenance. These stipulations not only pertain to recreational activities but extend to various land uses, further enhancing the mitigation of cumulative effects between OHV SRPs and other permitted uses.*

The effectiveness of existing and proposed stipulations for OHV SRP events and those for other permitted and unpermitted uses in curtailing impacts, including cumulative impacts, is questionable given the decline in the density of adult desert tortoises in several CHUs and decline in both greater sage grouse and Bi-state sage grouse populations. BLM should reevaluate the ongoing and cumulative impacts to these species and their habitats using the best available scientific information available and in coordination with the USFWS and Nevada Department of Wildlife.

BLM admits that cumulative impacts on species and their habitats will occur, but will vary depending on the number and size of OHV SRP events, such as *...large OHV SRPs have a greater potential for dust and noise as well as collisions than small OHV SRPs because of the larger amounts of vehicles. Additionally, race events have a greater risk of collision than low-speed OHV SRPs do.* We also disagree with BLM's conclusion that *Overall, the incremental contribution of the Proposed Action to cumulative effects is expected to be minimal.* The information on desert tortoise mortalities and non-viable population densities we provided above indicates that cumulative impacts are significant, including those associated with OHV SRP events.

7. NEPA Analysis: Although BLM has used the PEA to analyze the effects of the Proposed Action, we request that an Environmental Impact Statement be prepared because the effects on the environment have the potential to be significant, including the alternatives we have identified in comment #5, above.

In addition, while BLM can use this programmatic environmental assessment to create a framework for these events, BLM must still conduct site-specific NEPA when authorizing a specific event. There is no way that BLM can effectively evaluate the impacts of future (not defined) events in a

document that covers over 26 million acres and nearly 9,000 miles of routes. Further, as discussed above, many of the routes implicated in this draft PEA have likely never been subjected to site-specific NEPA, application of the ORV Executive Order minimization criteria, and Section 106 compliance pursuant to the National Historic Preservation Act. Thus, for each SRP, BLM will still have to conduct site-specific analysis, although it can tier to this programmatic analysis.

Conclusion

We hope our comments and recommendations are useful in preparing the final PEA for the project. As noted above, we believe BLM should prepare an EIS for the project; expand the range of alternatives; address excessive OHV route density in the Eldorado Valley CHU; identify routes available for SRP events that avoid or minimize impacts to special status species and their habitats, especially for the desert tortoise; and revised the incremental and cumulative impacts to special status species and their habitats based on the best available scientific information.

Please contact either of us if you have questions about our comments and recommendations or would like additional information.

Respectfully,



Jeff Aardahl
Senior California Representative
Defenders of Wildlife
jaardahl@defenders.org



Ed LaRue
Chair, Ecosystems Advisory Committee
Desert Tortoise Council
ed.larue@verizon.net

Cc : Glen Knowles, USFWS ; Ann McPherson, EPA

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