



DESERT TORTOISE COUNCIL

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Via email only

9 July 2021

Ms. Shonna Dooman, Las Vegas Field Office Manager.
U.S. Department of Interior, Bureau of Land Management
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
BLM_LV_PiuteEldoradoACEC@blm.gov

RE: Draft Management Plan for the Piute-Eldorado Valley Area of Critical Environmental Concern

Dear Ms. Dooman,

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 critical habitats known to be 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 reflected in the Final ACEC Management Plan. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed project.

Unless otherwise noted, all page numbers refer to the Preliminary Draft Piute-Eldorado Valley Area of Critical Environmental Concern Management Plan (PDMP), dated June 2021.

In its overview (page 1), the PDMP states: “This Piute-Eldorado Valley Area of Critical Environmental Concern (ACEC) Management Plan (ACEC Management Plan) describes management processes and actions to address problematic ecological trends in the Mojave Desert Ecoregion and Bureau of Land Management (BLM) administered lands of the Piute-Eldorado Valley ACEC (ACEC or Planning Area; Figure MP-1). This ACEC Management Plan employs a strategy of improving, enhancing, or augmenting the condition of a specific set of conservation elements while contributing to the conservation of the federally threatened Mojave Desert tortoise (*Gopherus agassizii*), the impetus for designation of the ACEC in 1998.” And subsequently, on page 23, we read (*emphasis added*): “*Although not the primary focus of this management plan, the threatened status of this species [desert tortoise] is incorporated into all management recommendations.*” We strongly recommend that this italicized statement not appear in the Final ACEC Management Plan (FMP), which should emphasize that tortoise conservation is one of its primary focuses.

That desert tortoise should be a primary focus of the FMP is supported by the following statements on page 5: “As shown in Figure MP-6, approximately 87 percent of the ACEC consists of the Piute-Eldorado Desert Tortoise Critical Habitat Unit. The importance of the ACEC as desert tortoise habitat was reinforced in 2010 in an action plan for BLM’s Mojave Desert Initiative. This initiative prioritized critical habitat for desert tortoise in Arizona, Nevada, and Utah for fire suppression and restoration activities to address extensive and increasing risk of wildfire and conversion to invasive annual grass ecosystems. Risk of wildfire and conversion to invasive annual grass ecosystems remains a threat to desert tortoise within the ACEC and funding for fire suppression and restoration activities are still needed.”

On pages 27 and 28, MP-10 and MP-11, respectively, show potential expansion and contractions to the ACEC boundary, which are intended to exclude wilderness areas from the ACEC. Herein, as part of implementing management action HC-MA-2 (see page 52), we ask that BLM also consider and include critical habitat as one of the factors used to expand the ACEC boundaries and include more critical habitat than included in the current boundary configuration. Areas to the northeast of the existing ACEC boundary, east of the Boulder City Conservation Easement shown in Figure MP-3, are critical habitat areas (depicted in Figure MP-6) that we ask BLM to incorporate into the ACEC.

We note on page 19 the following comment (*emphasis added*), “Based on forecasted climate envelope changes out to the 2030s and 2050s, *the majority of the ACEC vegetation communities would remain relatively unchanged* (Comer et al. 2013).” Concluding that there is not likely to be a change in vegetation communities based on this one source is problematic. For example, Hantsen et al (2021) drew the following conclusions: “Here we use 34 years (1984–2017) of satellite data to assess vegetation changes over part of the Sonoran Desert and adjacent mountain areas in southern California. We observed a strong decline in vegetation cover, with the drier locations showing the strongest decline. Changes in rainfall could only explain part of the observed trends, with the long-term vegetation trends closely related to warming climate. These results indicate that *dryland ecosystems may be more susceptible to changing climate than previously thought* [*emphasis added*].” The FMP should supplement this discussion with more recent research before publishing the above statement as a definitive conclusion.

We recommend that if Figure MP-15a (or a version thereof) appears in the FMP, that open routes be shown in a different color, as the green color depicting open routes is nearly indistinguishable from the green color depicting critical habitat in that figure. There also seems to be a discrepancy in the number of closed routes that are being used illegally south of Highway 11 (see lower part of ACEC in Figure MP-14b) compared with the depiction of closed routes in Figure MP-15a, which suggests that MP-15a needs to be redrawn to accurately show closed routes, particularly south of Highway 11.

We appreciate the extensive discussion given on page 55, relative to management action HC-MA-2, that Russian thistle (*Salsola* spp.) will be removed from culverts. We recommend that Saharan mustard (*Brassica tortifolia*) and other non-native species also be removed from culverts and roadsides whenever encountered including at least annually in the spring prior to seed production.

The ACEC Management Plan preliminary draft document does a relatively good job of documenting impacts associated with roads on pages 32 through 39, then counterintuitively states under Habitat Connectivity Management Action 4 on page 58 that "...changes to the route designation (open or closed) in the LVFO RMP [Las Vegas Field Office Resource Management Plan] are not part of this ACEC Management Plan, nor are they analyzed in the Environmental Assessment." It is our understanding that the FMP is intended to provide higher resolution to the generalized prescriptions given in the LVFO RMP, and must therefore address route densities that may undermine conservation envisioned for tortoises when the ACEC was established and when critical habitat was designated. Please include this information and analysis in the FMP.

Table MP-3, reporting the linear disturbances associated with four types of roads, naively estimates the acreage of impacts as about 645 acres based on the "...average width of linear disturbances derived from random samples of field-checked route inventory records." However, this likely underestimates impacts to washes, for example, that are not designated as open or closed but are regularly used as travel routes, nor does it acknowledge the ancillary impacts in areas adjacent to both open and closed routes, which likely adversely affects thousands more acres than the 645 acres estimated. Goodlett and Goodlett (1992) found "...that a single open trail, on the average, represents a band of impact 550 feet wide with the open trail in the center." We request the FMP fully analyze the plethora of data in the scientific literature on the direct, indirect, and cumulative impacts of roads on wildlife and wildlife habitats, including the desert tortoise (Attachment 1¹).

Page 48 indicates, "The ACEC represents the largest area of high-density desert tortoise habitat known in Nevada," which the Council believes warrants elevated protection given the severe declines in tortoise populations throughout the listed range (Allison and McLuckie 2018). To counteract the many impacts documented in the PDMP on pages 32 through 39 and to protect these dense tortoise populations, the Council urges BLM to reevaluate the open versus closed route designations, and identify additional open routes that should be closed.

This recommendation is particularly important, as BLM does not identify any impending planning efforts that would analyze impacts and respond with a modified route network that may include fewer open routes (i.e., vague references to a "...separate Travel and Transportation Management planning effort and NEPA [National Environmental Policy Act] planning process in the future" on page 71 does not equate to an active commitment to reevaluate the route network). We recommend that the FMP publish a statement to the effect that "Vehicle travel is prohibited on all routes that are not signed as open." It should also clarify that fines, citations, etc. will be issued by BLM law enforcement personnel for vehicle operators traveling on closed routes.

¹ <https://www.dropbox.com/s/vcfxz7qs5bo0w2m/%23Road%20Impacts%20Bibliography.pdf?dl=0>

Further, we believe that the function of this type of environmental document and analysis is intended to identify problems and offer solutions using the best available science. Table MP-2 documents that 100 of 118 linear miles of *closed* routes are currently being used by vehicles, which is the documented problem. Yet, nowhere in the preliminary ACEC Management Plan does BLM commit to eliminating these illegal uses, or requiring compensation for these illegal activities, so no solution is offered. We urge BLM in the FMP to have a detailed approach to eliminating illegal use of closed routes, through vertical mulching or other camouflaging techniques, so that they are no longer visible to recreationists who would use them. Installing red carsonite signs in the middle of a closed route is not an effective means of prohibiting use of those routes. Vertical mulching is described on page 62 (HQ-MA-3) relative to restoration activities, but the PDMP falls short of recommending this approach to close and restore closed routes. We request in the FMP that BLM commits to eliminating these illegal uses, requires compensation for the illegal uses, and restores damaged/lost habitats.

Relative to Section 3.3.2 Habitat Quality Management Actions, Habitat Quality Management Action 1: Implementation of Restoration Tech on pages 59 through 62, we offer the following resource for your consideration: Abella and Berry (2016)² provide a series of best management practices to restore impaired desert habitats that may be useful to BLM in implementing this management action. Further, the FMP should commit to restoring specific closed routes in high density tortoise areas, which is not envisioned by the PDMP.

With regards to management action HQ-MA-7: Preparation of a Noxious Weed Management Plan for the ACEC on page 63, we ask that BLM use available data to determine high density tortoise areas and, if not already, practice higher discretion to avoid exposing tortoises and occupied habitats to any chemicals that may harm animals and annual forage plants. In addition, we request that the Noxious Weed Management Plan be expanded to include invasive plant species in desert habitats, rather than being limited to noxious weeds, only plant species that adversely impact agricultural and grazing practices. In addition, the Invasive Plant Species Management Plan should be funded and implemented by BLM.

We appreciate this opportunity to provide input and trust that our comments will help protect tortoises during development and implementation of the FMP. 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 subsequent environmental documentation (particularly the Final ACEC Management Plan) 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

² <https://www.dropbox.com/s/nx1b5m2b5ehya12/%23Abella%20and%20Berry%202016.pdf?dl=0>

Literature Cited

- Abella S.R. and K.H. Berry. 2016. Enhancing and restoring habitat for the desert tortoise (*Gopherus agassizii*). *Journal of Fish and Wildlife Management* 7(1):xx–xx; e1944-687X. doi: 10.3996/052015-JFWM-046.
- Allison, L.J. and A.M. McLuckie. 2018. Population trends in Mojave desert tortoises (*Gopherus agassizii*). *Herpetological Conservation and Biology* 13(2):433–452.
- Comer, P.P., M. Reid, J. Hak, H. Hamilton, D. Braun, G. Kittel, I. Varley, B. Unnasch, S. Auer, M. Creutzburg, D. Theobald, and L. Kutner. 2013. Mojave Basin and Range Rapid Ecoregional Assessment Report. Prepared for the U.S. Department of the Interior, Bureau of Land Management. 173 pp + Appendices.
- Goodlett, G and G.C. Goodlett. 1992. Continued studies of unauthorized off-highway vehicle activity in the Rand Mountains and Fremont Valley, Kern County, California. Unpublished report prepared on behalf of the Desert Tortoise Preserve Committee.
- Hantson, S., T.E. Huxman, S. Kimball, J.T. Randerson, and M.L. Goulden. 2021. Warming as a driver of vegetation loss in the Sonoran Desert of California. *Journal of Geophysical Research: Biogeosciences*, 126, e2020JG005942. <https://doi.org/10.1029/2020JG005942>

Attachment 1

Partial bibliography of literature on road impacts in desert ecosystems. Unpublished bibliography prepared by the Desert Tortoise Council in December 2019. 13 pp.
<https://www.dropbox.com/s/vcfxz7qs5bo0w2m/%23Road%20Impacts%20Bibliography.pdf?dl=0>