



DESERT TORTOISE COUNCIL

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Via email only

16 December 2022

Attn: Katie Metraux
Environmental Compliance
OHMVR Division, California State Parks
P.O. Box 942896
Sacramento, CA, 94296-0001
Katie.Metraux@parks.ca.gov

RE: Red Rock Canyon State Park Preliminary General Plan Revision and Draft Environmental Impact Report

Dear Ms. Metraux,

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.

As of June 2022, our mailing address has changed to:

Desert Tortoise Council
3807 Sierra Highway #6-4514
Acton, CA 93510

Our email address has not changed. Both our physical and email addresses are provided above in our letterhead for your use when providing future correspondence to us. When given a choice, we prefer that State Parks email to us future correspondence, as mail delivered via the U.S. Postal Service may take several days to be delivered. Email is an "environmentally friendlier way" of receiving correspondence and documents rather than "snail mail."

We appreciate this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in 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 implemented by California State Parks (State Parks) under authority of the final General Plan. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed project.

The Mojave desert tortoise is among the top 50 species on the list of the world's most endangered tortoises and freshwater turtles. The International Union for Conservation of Nature's (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers the Mojave desert tortoise to be Critically Endangered (Berry et al. 2021), as it is a "species that possess an extremely high risk of extinction as a result of rapid population declines of 80 to more than 90 percent over the previous 10 years (or three generations), population size fewer than 50 individuals, other factors." It is one of three turtle and tortoise species in the United States to be critically endangered. This status, in part, prompted the Council to join Defenders of Wildlife and Desert Tortoise Preserve Committee (Desert Tortoise Council 2020) to petition the California Fish and Game Commission in March 2020 to elevate the listing of the Mojave desert tortoise from threatened to endangered in California.

Unless otherwise noted, the page numbers referenced below are taken from the Red Rock Canyon State Park Preliminary General Plan Revision and Draft Environmental Impact Report (GPEIR), dated October 2022. We sincerely appreciate that the possibility of redesignating the State Park as a "State Recreation Area," which was a concept initially considered in 2019 has been dismissed, to the point that it is mentioned only one time in the GPEIR (on page 5.23-1). The Council applauds and fully supports the following two intentions to manage the Park in such a way as to promote tortoise conservation and recovery.

On page 4-1, we read the following as the mission statement for California State Parks, including Red Rock Canyon State Park (Park): "The mission of the California State Park system is to provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation. State parks are set aside to protect their natural, historical, cultural, and recreational values in perpetuity for the people of the state."

Page 4-4 states (among other things), "State Parks will: Manage and protect the unique ecosystems and rare species that depend on them. Rare species include but are not limited to the desert tortoise, Mojave [sic, "Mohave"] ground squirrel, raptors, Red Rock tarplant, Joshua trees, and desert riparian habitats as required by federal and state laws. Manage and protect all other sensitive animal and plant species and vegetation communities in the Park."

Page 4-26 states, "Sierra View Road and Red Rock Wash will provide ingress and egress between the Ricardo Campground loop trail and Bureau of Land Management (BLM) OHV area routes and the Onyx Ranch SVRA, and between popular BLM OHV areas that adjoin the Park." Although we continue to support the recommendation in the December 2, 2022 letter by Defenders of Wildlife that these two roads be closed to Green Sticker travel¹, in the event they remain open, we recommend the following. Given the propensity for desert tortoises to use washes as travel corridors (Jennings and Fontenot 1993), we recommend that "Tortoise crossing" (or similar signs) be installed alongside Red Rock Wash road to minimize the likelihood of crushing a tortoise in the wash.

¹ <https://www.dropbox.com/s/087fhi0mgufm9ny/Red%20Rock%20Canyon%20State%20Park%20Draft%20General%20Plan%20and%20DEIR.12-2-2022.pdf?dl=0>

With regards to the statement on 4-52, “**Utilities Guideline 1-2:** Any new utility lines shall be buried. Siting of buried utility lines shall be done only with prior review by the State Park geologist, a State Park Archaeologist, and other departmental resource specialists,” we recommend that State Parks require protocol presence-absence surveys for tortoises (USFWS 2019), protocol trapping surveys for Mohave ground squirrel [CDFW 2003 (revised 2010)], and that Park staff familiar with the ecology of these species be nominally added to the list of resource specialists to ensure impacts are fully analyzed and either avoided or fully mitigated and monitored for effectiveness insofar as possible.

With regards to the following statement on page 4-51, “**Facilities Guideline 3-2:** Develop a comprehensive Roads and Trails Management Plan (to include issues such as maintenance, assessment of roads and trails, restoration of eroding roads and trails, measures to reduce soil erosion, volunteer efforts, changes in recreation uses, etc.),” we recommend that State Parks provide funding to perform programmatic, focused desert tortoise surveys to help inform planners developing the Trails Management Plan. Based on these data, if there are certain high density areas where tortoises are more abundant than other locations, State Parks may use these data to determine the best placement of new tortoise crossing signs, implement seasonal or permanent road/trail closures, and implement other measures that will help protect and conserve tortoises in those locations.

We believe that this recommendation will also benefit State Park’s **Sensitive Animal Species Goal 1 Guidelines** listed on page 4-71, which includes: “**Sensitive Species Guideline 1-1:** Monitor sensitive species to track sensitive animal populations’ presence, health, and sustainability in the Park. Projects may require interagency partnerships to plan and implement conservation actions.” Monitoring implies that a baseline be established to which future studies and resulting data can be compared. If not already completed, we recommend that State Parks conduct baseline studies for the tortoise and other listed/sensitive species. We further recommend that the final General Plan specify exactly how sensitive animal species will be monitored, since “Monitor sensitive species” is so vague as to be meaningless. The monitoring methodology that is implemented for each species should be statistically robust.

We note that these recommendations are consistent with **Sensitive Species Guideline 1-2** on page 4-71, which says among other things states: “Focused surveys, reliable scientific methodologies, and interagency cooperation will be used as needed to develop appropriate long-term monitoring programs.” Also note in the next sentence, you should revise “This data...” to “These data...” to be grammatically correct.

It is our understanding that State Parks is not exempt from unauthorized take of state-listed, threatened species including the desert tortoise and Mohave ground squirrel. As such, if the surveys recommended below reveal that either of these species may be subject to take (i.e., to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct) as a result of developing new utilities, or replacing existing utilities, or other activities that may result in take, State Parks must acquire a 2081 incidental take permit from California Department of Fish and Wildlife (CDFW) and additionally for tortoises, a 10(a)(1)(B) permit from the U.S. Fish and Wildlife Service (USFWS). It is advisable that State Parks consult with CDFW and USFWS to see if programmatic state and federal incidental take permits, respectively, may be warranted to authorize activities that may result in take.

We appreciate this opportunity to provide comments on this project and trust they will help protect tortoises during any resulting authorized activities. Herein, we reiterate that the Desert Tortoise Council wants to be identified as an Affected Interest for this and all other projects funded, authorized, or carried out by State Parks that may affect species of desert tortoises, and that any subsequent environmental documentation for this project (e.g., final General Plan EIR, Trails Management Plan) is provided to us at the contact information listed above. Additionally, we ask that State Parks 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.

Respectfully,



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

cc. Julie Vance, CDFW Region 4, Julie.Vance@wildlife.ca.gov
California State Clearinghouse state.clearinghouse@opr.ca.gov
Rollie White, Assistant Field Supervisor, Palm Spring Fish and Wildlife Office, U.S. Fish and Wildlife Office, rollie_white@fws.gov

Literature Cited

- Berry, K.H., L.J. Allison, A.M. McLuckie, M. Vaughn, and R.W. Murphy. 2021. *Gopherus agassizii*. The IUCN Red List of Threatened Species 2021: e.T97246272A3150871. <https://dx.doi.org/10.2305/IUCN.UK.2021-2.RLTS.T97246272A3150871.en>
- [CDFG] California Department of Fish and Game. 2003 (revised 2010). Mohave ground squirrel survey guidelines. Unpublished guidelines produced by CDFG (currently CDFW = California Department of Fish and Wildlife). Sacramento, CA.
- Desert Tortoise Council. 2020. A Petition to the State of California Fish and Game Commission to change the status of *Gopherus agassizii* from Threatened to Endangered. Formal petition submitted on 11 March 2020.
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- [USFWS] U.S. Fish and Wildlife Service. 2019. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). USFWS Desert Tortoise Recovery Office. Reno, NV.