



DESERT TORTOISE COUNCIL

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Via email only

8 April 2022

Attn: Kirsten Cannon
BLM Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130
k1cannon@blm.gov

RE: Develop a Tool to Identify Southern Nevada District Restoration Opportunities

Dear Ms. Cannon,

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 funded, authorized, or carried out by the Bureau of Land Management (BLM), which we assume will be added to the Decision Record for this project as needed. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed project.

Mojave desert tortoise is now on the list of the world's most endangered tortoises and freshwater turtles. It is in the top 50 species. The International Union for Conservation of Nature's (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers

Mojave desert tortoise to be Critically Endangered (Berry et al. 2021). As such, 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), a current population size of fewer than 50 individuals, or other factors.” It is one of three turtle and tortoise species in the United States to be critically endangered.

The following information is from a BLM press release that we received from a third, party, not the BLM, and represented the only information we had to provide the ensuing comments: “As part of the Biden-Harris Administration’s America the Beautiful campaign to conserve, connect and restore 30 percent of public land by 2030, the BLM Southern Nevada District Office is hosting an information forum to gather input from public land users to prioritize areas for restoration projects. ‘This information forum is a critical early step to gather public input so BLM can develop a GIS tool to identify restoration opportunities that have the greatest benefit to threatened and endangered species and migratory birds,’ said Angie Bullets, Southern Nevada District Manager. ‘Funding has been secured and input will be used to direct which projects will receive funding.’ As part of the BLM’s multiple use mission, the Southern Nevada District manages 3.1 million acres of public land in Clark and Nye Counties. BLM is seeking input on areas within the district that are ideal for restoration projects such as replanting of native plants, removal of invasive weeds and rehabilitation of closed roads.”

In 2016, The Council funded a published study for arid land restoration (Abella and Berry 2016), which we provide to the BLM in the footnote to help inform successful restoration activities.¹

Given our mission statement in the first paragraph, the Council is necessarily focused on restoring habitats that would benefit desert tortoises. As a minimum, to identify restoration opportunities for habitats that have the greatest benefit to threatened and endangered species and migratory birds, the BLM should begin its focus on critical habitat and linkage habitats between critical habitat units for the Mojave desert tortoise and other listed species as identified in the scientific literature. If restoration is to occur on land managed by the BLM, the lands should:

- be based on available tortoise density and distribution data so as to target areas that continue to support substantial numbers of tortoises, relative to our current knowledge [U.S. Fish and Wildlife Service (USFWS) 2022a, 2022b];
- be located within desert tortoise critical habitat (USFWS 1994), habitat linkage corridors (Averill-Murray et al. 2021), Areas of Critical Environmental Concern (ACECs) dedicated to tortoise conservation and recovery, Tortoise Conservation Areas (TCAs) identified in the Desert Renewable Energy Conservation Plan (DRECP; BLM 2016), and recent models (Feinberg et al. 2019, Gray et al. 2019, etc.);
- particularly where they occur in the above designated areas, select lands recently burned that are known to have supported tortoises prior to the wildfire event;
- be identified, in part, with input from (1) knowledgeable agency biologists, including U.S. Geological Survey (USGS), USFWS, Nevada Department of Wildlife, Utah Division of Wildlife Resources, California Department of Fish and Wildlife, and Arizona Game and

¹ <https://www.dropbox.com/s/nx1b5m2b5ehya12/%23Abella%20and%20Berry%202016.pdf?dl=0>

Fish Department; (2) desert tortoise researchers; and (3) Mojave Desert plant biologists and plant ecologists;

- be withdrawn from mineral entry;
- prohibit off-highway vehicle use except when necessary to maintain existing utilities and conduct scientific research;
- prohibit development including new utilities, particularly solar fields;
- prohibit agriculture unless there are data that, when analyzed, show that agriculture would benefit the listed species that occur in the area;
- prohibit the future sale or relinquishment of the land;
- secure groundwater and surface water rights;
- prohibit grazing in riparian and wetland areas;
- provide BLM with sufficient funding to manage and enforce these management designations; and, most important,
- give BLM the ability to place permanent conservation easements on these lands so they cannot be “developed” in the future and then have BLM place permanent conservation easements on restored habitats.

In addition to the Abella and Berry (2016) resource, it is important that BLM use available literature to develop successful restoration techniques (Abella et al. 2015, Chiquoine et al. 2016, Esque et al. 2021). It is equally important that science-based monitoring plans are developed, funded, and implemented to ensure restoration success; that there be money available to implement adaptive management techniques when science-based success criteria are not met; and that the BLM develop (if not already) a database of both existing scientific literature and results of studies resulting from this effort to be shared widely with both the public sector (see list of agencies identified above) and private entities, like consultants, who are responsible for restoration on private lands.

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 the BLM 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.

Respectfully,



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

cc: Secretary of the Interior, Deb_Haaland@ios.doi.gov; exsec@ios.doi.gov,
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BLM Director, Tracy Stone-Manning, tstonemanning@blm.gov
BLM Deputy Director of Policy, Nada L. Culver, nculver@blm.gov

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