

February 8, 2002

NTC Land Expansion Program,
Mr. Tim Reischl
NTC Site Manager, AFZJ-SP
Strategic Planning Division
P.O. 105004,
Fort Irwin, CA 92310.

RE: Public Scoping for Supplemental Draft Environmental Impact Statement
(DEIS) on the Proposed Land Expansion for Fort Irwin and the National Training
Center

Dear Mr. Reischl:

The Desert Tortoise Preserve Committee and Desert Tortoise Council are publicly supported non-profit organizations working to assure the continued survival and recovery of viable populations of the threatened desert tortoise, *Gopherus agassizii*, throughout its range in the desert southwest.

As you are aware, several of the proposed Fort Irwin expansion alternatives will seriously impact the desert tortoise and potentially compromise recovery efforts. In particular, the proposed southwestern expansion of Fort Irwin into the Superior Valley, referred to as the preferred alternative in the October 16, 2001 Federal Register notice, would open to mechanized training maneuvers some 134 square miles of habitat that has been designated as critical to the survival and recovery of the tortoises of the West Mojave Recovery Unit and could result in the take of thousands of tortoises. While the United States Fish and Wildlife Service (FWS) has not yet taken an official position on the plan, we remain deeply concerned that the proposed preferred expansion alternative will jeopardize the tortoise.

The tortoises of the West Mojave Recovery Unit are of particular concern to both organizations since this distinct population has continued to decline since it was listed under both Federal and California State Endangered Species Acts in 1989. The Fort Irwin Tortoise Panel convened in 1999 and which included army scientists Dr. J. Spotila and Mr. W. Quillman, concluded that the desert tortoise in the West Mojave Recovery Unit is more appropriately characterized as “endangered” than “threatened”¹. Further, they attributed the current status of the tortoises of the West Mojave in part due to the failure to fully implement the recommendations of the FWS 1994 Desert Tortoise Recovery Plan². Subsequent

¹ LaRue, E., 2000. Results of the Fort Irwin Tortoise Panel Meeting of 18-19 January and 18 February 2000. United States Department of the Interior, Bureau of Land Management, West Mojave Habitat Conservation Plan.

² Fish and Wildlife Service, United States Department of Interior, 1984. Desert Tortoise (Mojave Population) Recovery Plan. United States Department of Interior, Fish and Wildlife Service, Portland, Oregon. 73 pp. and appendices A through I.

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surveys conducted by the FWS in 2001 have found even fewer tortoises than anticipated (see (b) below).

In view of the amount of critical habitat that will be taken, and the considerable direct and indirect take of tortoises that will ensue, we believe that this Supplemental Draft Environmental Impact Statement (EIS) process will determine the future survival of the entire West Mojave desert tortoise population. Accordingly, we expect a full range of alternatives to be explored in the EIS including the different alternatives that would fully mitigate the impacts to listed species. We expect too, that the environmental impact assessment will cover the full range of impacts and issues posed by each of the alternatives to the tortoise and its habitat and to the full range of species covered in the West Mojave plan.

Some specific areas that we feel will need carefully attention and assessment in the EIS include:

(a) Purpose and Needs

The purpose and needs section for the proposed action must be adequately bolstered. How does each of the proposed alternatives fulfill these needs? What new developments have occurred from the training aspect since 1997?

(b) Status of the desert tortoise and change in status since 1996/1997.

At least 3 separate sources indicate that the West Mojave tortoise population has significantly declined since the original draft EIS was published in 1997.

- (i) United States Geological Service's permanent study plots show continuing declines in tortoise numbers at specific localities in the West Mojave.
- (ii) The Fort Irwin Tortoise Panel reviewed data collected in the Bureau of Land Management's West Mojave Planning effort and concluded that the overall status of the tortoise in the West Mojave is best categorized as endangered not just threatened. They attributed the declines in tortoise numbers in part to failure to implement the recommendations of the FWS 1994 Desert Tortoise Recovery Plan.
- (iii) The FWS initiated its range-wide line distance tortoise sampling survey in spring 2001, after the publication of their preliminary review of the proposed expansion plan that was called for under Public Law 106-554, *Consolidated Appropriations Act, 2001*. The number of tortoises encountered in this massive survey was significantly lower than anticipated, prompting the need for additional surveys to be performed in spring 2002. The lower than anticipated encounter rates clearly echo the trends identified in the permanent study plot data.

The desert tortoise is in serious difficulty in the West Mojave. The EIS must take the actual status of the species into account in its analysis of the

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impacts. We remain deeply concerned that the proposed preferred expansion alternative will jeopardize the species.

(c) Impacts to tortoise recovery efforts

The basic strategy outlined in the FWS 1994 Desert Tortoise Recovery Plan was to establish reserve level management areas that would be intensively managed for the tortoise. The preferred land expansion alternative will heavily impact the proposed Superior Cronese Desert Wildlife Management Area, the largest of these reserve areas in the West Mojave Recovery Unit, and threatens to compromise the recovery strategy. The EIS will need to address the impacts of the proposed expansion on the recovery strategy for the tortoise given its current status in a meaningful way.

The EIS should identify the likely direct take of tortoises that will result from each alternative. This will include tortoises in the western expansion area, areas on the existing base that are currently closed to maneuvers to protect the tortoise such as the UTM 90 lands, and tortoises currently outside designated critical habitat in the eastern expansion area.

(d) Impacts of current military maneuvers/actions on the tortoise

Need analyses considering if current military maneuvers are responsible or partially responsible for documented die-offs at Goldstone, Lane Mountain to Calico Mountains, and western Superior Valley. How do the recent tortoise data in the UTM 90 lands and proposed expansion area compare to the pre 1996 data? If the population has changed in these areas, why has it changed?

(e) Impacts of planned military maneuvers/actions on tortoises outside the expansion area.

Need a full analysis of the direct and indirect impacts of toxic components (heavy metals, arsenic, etc.), fugitive dust and blowsand, and the use of obscurants on tortoises and their habitat outside the base.

Need analysis of potential remote impacts to habitat such as weed dispersal and response of exotic plants to maneuvers.

Need analysis of potential effects on tortoise hot spots in the Water Valley-Mud Hills area, which will be substantially closer with the expansion than the current installation.

Need to analyze the impacts of resulting fragmentation of the population such as isolating tortoises found to the north on Mojave Range B from those tortoises south of Superior Valley.

(f) Status of the Mohave ground squirrel and changes since 1997.

For several years, the Desert Tortoise Preserve Committee has worked with state agencies and private business to mitigate small-scale impacts to the state-listed Mohave ground squirrel and to promote research on its biology and population status. Like the desert tortoise, this is a species that appears to have

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undergone severe declines in recent years (Leitner, 2001³; Brooks and Matchett, 2001⁴) and is a species in difficulty. The Superior Valley was designated as a reserve area for the Mohave ground squirrel in the 1980 California Desert Conservation Area Plan. By taking this habitat, the preferred expansion alternative threatens to eliminate the easternmost range of this very limited distribution West Mojave endemic. The EIS needs to fully address the impacts to the Mohave ground squirrel given its current status.

(g) Explore a full range of alternatives including all the different alternatives that will fully mitigate the impacts:

- (i) Relocating the cantonment area off the installation to NEBO or other nearby place so all of the existing installation may be used for maneuvers;
- (ii) Cleaning Leach Lake and other areas now off limits to keep maneuvers on the existing installation should be official alternatives; if this is untenable there needs to be an economic analysis that shows Leach Lake cleanup as fatally flawed;
- (iii) Joint use of Twentynine Palms for training should be analyzed as alternative.

(h) Analyze air quality issues and the mitigation of their impacts.

Given the susceptibility of the desert tortoise to respiratory diseases we expect to see an adequate assessment of impacts of air quality issues on the tortoise and its habitat, and the mitigation of these impacts. Concerns include direct and indirect impacts of toxic components (heavy metals, arsenic, etc.); PM10 assessment; fugitive dust and blowsand; and the use of obscurants.

(i) Need full analysis and evaluation of the impacts of noise and vibration on the tortoise and Mohave ground squirrel within and outside the expansion area.

(j) Given the Bureau of Land Management's \$408 million figure (Haigh, 2000⁵) for the cost of the tortoise mitigations identified by the Fort Irwin Tortoise Panel for the Army's April 1999 proposal, the \$75M indicated in the December 2000 legislation seems woefully inadequate to allow the National Training Center to expand and clearly needs reconsideration. All mitigations and compensation must remain within the West Mojave Recovery Unit since the major impact will be borne by the West Mojave tortoise population.

³ Leitner, P., 2001 California Energy Commission and Desert tortoise Preserve Committee Moahve Ground Squirrel Study Final Report 1998-2000. Orinda, California. 33 pp. plus appendices.

⁴ Brooks, M. L. and Matchett, J. R., 2001 Sampling methods and Trapping Success Trends for the Mohave Ground Squirrel (*Spermophilus mohavensis*). Report prepared for California Department of Fish and Game, 28 September 2001. United States Geological Service, Las Vegas, Nevada. 11 pp.

⁵ Haigh, W., 2000 Reasonableness of Fort Irwin Tortoise Panel Report. Transmittal letter dated 15 March 2000 for Fort Irwin Tortoise Panel Report from William Haigh, West Mojave Plan Project Manager, West Mojave Coordinated Management Plan.

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(k) Need full consideration of the socio-economic impacts throughout the desert, not just inside the expansion area. Many currently approved uses such as mining, livestock grazing and OHV activity will be affected on lands far removed from the expansion area.

(l) Need to assess impact of using Copper City Road or any other access points that are not within the expansion area.

(m) Cumulative Impacts

Future use of China Lake is foreseeable and should be included in the cumulative effects analysis.

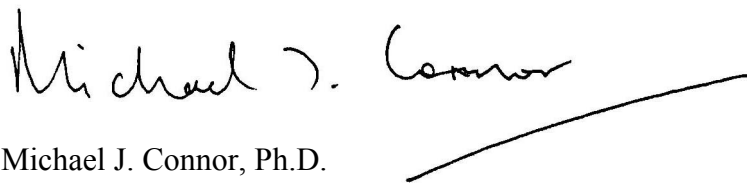
(n) Federal responsibility to protect listed species

Need full analysis of federal responsibility to protect listed species under the Sikes Act, Endangered Species Act, and National Environmental Policy Act. How is the expansion not in violation of these responsibilities?

The Desert Tortoise Preserve Committee and Desert Tortoise Council thank you for the opportunity to submit written scoping comments in addition to oral comments presented at the Barstow, Riverside and Pasadena scoping meetings. Given the controversial nature of the Proposed Land Expansion for Fort Irwin and the National Training Center it is clearly essential that the environmental review be an open and transparent process that involves public participation throughout. If we can be of any further assistance, please feel free to contact me by telephone at (818) 345-0425 or by e-mail at <dtpc@pacbell.net>.

Yours sincerely,

DESERT TORTOISE PRESERVE COMMITTEE
DESERT TORTOISE COUNCIL



Michael J. Connor, Ph.D.
Executive Director

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