

United States Department of the Interior Bureau of Land Management

Environmental Assessment CA-680-2009-0058

Finding of No Significant Impact (FONSI)

Project Title

Environmental Assessment for the Translocation of Desert Tortoises onto Bureau of Land Management and Other Federal Lands in the Superior-Cronese Desert Wildlife Management Area, San Bernardino County, California

Location: Superior-Cronese Desert Wildlife Management Area, San Bernardino County, California

Applicant/Address:

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Finding of No Significant Impact (FONSI) Barstow Field Office

PRELIMINARY FINDING OF NO SIGNIFICANT IMPACT

Based upon a review of the environmental assessment (EA) and the supporting documents, the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the *Final Environmental Impact Statement, Army National Training Center, Addition of Maneuver Training Land, Fort Irwin, San Bernardino County, California* and the *Final Environmental Impact Report and Statement for the West Mojave Plan, A Habitat Conservation Plan and California Desert Conservation Area Plan Amendment, 2005*. Therefore, an environmental impact statement is not needed.

PROJECT SUMMARY

The Bureau of Land Management (BLM) has conducted an environmental assessment (DOI-BLM- CA-680-2009-0058-EA) for a proposed action to translocate desert tortoises (*Gopherus agassizii*) onto BLM and Department of the Army (Army), Fort Irwin, managed lands in the Superior-Cronese Desert Wildlife Management Area (DWMA) in San Bernardino County. The proposed action would facilitate the Army's obligation to fulfill one of their conservation measures associated with expansion of training lands at the Fort Irwin Training Center by allowing the Army to translocate desert tortoises off of these expansion areas onto suitable habitat outside the base boundaries. The underlying need for the proposal would be met while providing for the protection of desert tortoises.

The proposed translocation receptor site project area consists of 248 square miles within the Superior-Cronese DWMA south and west of Fort Irwin. EA# CA-680-2009-0058 is available at the Barstow Field Office and is incorporated by reference for this Finding of No Significant Impact (FONSI). A no action alternative and three action alternatives were analyzed in the EA.

RATIONALE FOR FINDING OF NO SIGNIFICANT IMPACT

One of the primary purposes for conducting an environmental assessment is to determine whether or not a proposed action will have a significant impact on the human environment and therefore will require the preparation of an EIS. As defined in 40 CFR 1508.13, the Finding of No Significant Impact (FONSI) is a document that briefly presents the reasons why an action will not have significant effect on the human environment. The regulations further define the term "significantly" in 40 CFR 1508.27 and require that the context and intensity of impacts be considered in analyzing significance. The following provides an analysis of the significance of impacts of the proposed desert tortoise translocation project in terms of context and intensity as defined

in the regulations.

Context: The entire project area falls within critical habitat for the federally listed desert tortoise. The discussion of significance criteria that follows applies to the intended action and is within the context of local importance. DOI-BLM- CA-680-2009-0058-EA details the effects of the project and is incorporated by reference into this FONSI. None of the effects identified including direct, indirect and cumulative effects, are considered significant based on translocation densities, minimal impacts to the desert tortoise, and on conformance with the overall desert tortoise recovery strategy adopted in the WMP.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into BLM's NEPA Handbook (H-1790-1, 2007), and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

1. **Impacts may be both beneficial and adverse.** The proposed action would impact resources as described in the EA. Beneficial impacts to the desert tortoise may result in the long-term, with population densities likely to be more similar to their historic levels in an area identified for conservation and recovery of the species.

Adverse impacts due to increased risk of disease and predator exposure and from the handling of desert tortoises were identified as potential issues and may occur. Mitigating measures to reduce adverse impacts to desert tortoises were incorporated in the design of the action alternatives. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant, based on the EA analysis, adopted design measures, and additional protocols that are outlined in the Amended Translocation Plan. Nor do the effects exceed those described in the *Final Environmental Impact Statement, Army National Training Center, Addition of Maneuver Training Land, Fort Irwin, San Bernardino County, California*.

2. **The degree to which the selected alternative will affect public health or safety.** Public health and safety was not identified as an issue, and no aspect of the proposed project has been identified as having the potential to adversely impact public health or safety.
3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.** The proposed translocation receptor sites all are within the Superior-Cronese Desert Wildlife Management Area (DWMA), an Area of Critical Environmental Concern (ACEC) for the conservation and recovery of the federally- and State-listed desert tortoise, designated in the West Mojave Plan (2006). The management plan for the ACEC is set forth within Chapter Two of the West Mojave Plan. This ACEC plan implements specific controls over uses such as OHV, grazing, commercial

activities, and other ground disturbances towards protecting this ecologically critical area and achieving the following goals over the life of the plan:

- Goal 1: sufficient habitat is provided to ensure long-term tortoise population viability.
- Goal 2: an upward or stationary trend the tortoise population occurs for at least 25 years,
- Goal 3: genetic connectivity among tortoise populations is obtained, both within the West Mojave Recovery Unit, and between this and other recovery units,
- Goal 4: reduce tortoise mortality.

The proposed translocation action may have both beneficial and adverse impacts on the Superior-Cronese DWMA. This project is unlikely to affect habitat quality and availability or genetic connectivity with other populations. The translocations may have impacts to desert tortoise mortality from take of the translocated tortoises, which would not adversely affect existing populations, and which therefore would not adversely affect the overall goals of the ACEC. Take to existing populations from disease has been minimized by implementation of the protocols in the Amended Translocation Plan to be applied to all translocated tortoises. The translocation project may have a positive long-term effect on the upward or stationary trend of desert tortoise within the DWMA, by increasing the available pool of healthy adult females of reproductive age and by consolidating public lands in an area which now consists of a “checker board” pattern of management by various agencies. Overall, the proposed project would not adversely affect the Superior-Cronese DWMA as an ACEC.

Two other ACECs overlap the potential translocation sites - the West Paradise ACEC and the Coolgardie Mesa ACEC, both of which were designated in the WMP for the protection of remaining populations of federally endangered Lane Mountain milk-vetch. These ACEC plans implement specific limitations to or avoidance of ground disturbances towards achieving the goal of protecting viable unfragmented habitat throughout the limited range of the species.

The proposed translocation action may have adverse impacts on these two ecologically critical areas. Their ACEC plans specifically propose to avoid ground disturbances that may impact plant populations within the ACEC. Pedestrian use of these ACEC for translocation of animals may adversely affect these very limited populations. Mitigation measures have been incorporated to reduce this potential impact. All personnel associated with the translocation effort who conducts work within the ACECs established for the protection of Lane Mountain milk-vetch must receive training to identify the species in the field and shall be instructed to avoid impacting any individual of this species. Only routes designated as Open by BLM shall be used for vehicular traffic in the translocation effort. If off-road travel (including the landing of helicopters) is deemed necessary, all proposed routes or landing sites are subject to review to avoid

potential effects to Lane Mountain milk-vetch and any potential adverse effects to Lane Mountain milk-vetch. The mitigation measure for botanical survey prior to disturbance within these ACECs is proposed to avoid take of Lane Mountain milk-vetch, consistent with the West Mojave Plan. With implementation of these measures, the proposed project would not adversely affect either of these two Lane Mountain milk-vetch ACECs.

Other sensitive resources, including unique cultural and archeological sites are within the project area. Vehicular use is limited to Open routes, without additional assessment. If off-road travel (including the landing of helicopters) is deemed necessary, all proposed routes or landing sites are subject to review to avoid potential effects to sensitive cultural and archaeological resources.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, “controversy” is not equated with “the existence of opposition to a use.” *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). “The term ‘highly controversial’ refers to instances in which ‘a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.’” *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998).
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The project is not unique or unusual. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or that involve unique or unknown risks.
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The proposed action does not set a precedent for any future actions that may have significant effects, nor does it represent a decision in principle about a future consideration. The translocation activities considered in the proposed action were developed using established protocols outlined in BLM Manuals 6840 and 1745. No decisions about future actions are represented or implied. Future transfer or management of Department of Army compensation lands (*Catellus* lands) to BLM or any other land management agency is neither intended nor implied.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.** The interdisciplinary team evaluated the possible

actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. Disclosure of the cumulative effects of the project is contained in Chapter 4 of the EA and the Final Fort Irwin Expansion Lands EIS and the Final WMP EIS from which this Environmental Assessment tiers.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources. Only BLM designated Open Routes shall be used during implementation of the proposed action. If off-road travel (including the landing of helicopters) is deemed necessary, all proposed routes or landing sites are subject to review to assess potential effects to significant scientific, cultural, or historical resources. Any adverse effects identified during this review process must be avoided.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.** Mitigating measures to reduce impacts to wildlife and fisheries have been incorporated into the design of the action alternatives. Although 605-1,232 desert tortoise may be translocated under the proposed action, it has been determined that they will not be adversely affected because mitigation measures, as discussed in the EA, would reduce impacts to desert tortoise. In particular, all handling would be conducted using the most up to date protocols such as those found in *Guidelines for Handling Desert Tortoises During Construction Projects* (Desert Tortoise Council, 1994 [revised 1999]) and any holding facilities or quarantine facilities would be maintained according to all legal and ethical requirements for treatment of captive animals (e.g., *Animal Care and Use Guidelines* from an official university ACUC program, ASIH 2004). By implementing stringent health protocols, as discussed in detail in the EA, only healthy tortoises would be translocated thus reducing the potential adverse effects of increased disease exposure associated with the translocating tortoises. Also, the translocation would take place in a highly dispersed manor, such that potential adverse effects from increased predation of translocated tortoises would be reduced to near background natural levels.

While the expansion itself and ultimate military use of those expansion lands may affect the Lane Mountain milk-vetch (*Astragalus jeagerinus*) as discussed in the Final Fort Irwin EIS, the translocation effort is expected to have no effect on the Lane-mountain milk-vetch. Typically, only existing (BLM Designated Open)

routes of travel would be used during the translocation of animals and any travel off designated open routes would be on foot. All personnel associated with the translocation effort who conducts work within the ACECs established for the protection of Lane Mountain milk-vetch must receive training to identify the species in the field and shall be instructed to avoid impacting any individual of this species. One exception would be the possible use of helicopters to facilitate transport of tortoises. In this case, all potential landing sites must be surveyed by a biologist who is familiar with this species, and all populations would be avoided. Also, if cross-country vehicle travel is determined to be necessary, any proposed routes of travel would be subject to environmental review and surveys and any impacts to Lane Mountain Milk-vetch must be avoided.

No other threatened or endangered plants or animals are known to occur in the area. BLM sensitive plant species in the area, including several species of cacti, are not anticipated to be affected since open routes are proposed for vehicle travel.

- 10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.** The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. The Environmental Assessment and supporting project record contain discussions pertaining to Endangered Species Act, National Historic Preservation Act, Clean Water Act, and Executive Order 12898 (Environmental Justice). With the exception of the Endangered Species Act, the EA concluded that there would be no effect associated with these regulations. With respect to the Endangered Species Act, the proposed action has been developed in coordination with wildlife agencies, including appropriate consultations. In addition, the project is consistent with applicable land management plans, policies, and programs

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Date