Finding of No Significant Impact (FONSI)
Southern Nevada District and Caliente Field Office

Environmental Assessment DOI-BLM-NV-S010-2012-0097-EA

Based on the review of the environmental assessment (EA) DOI-BLM-NV-S010-2012-0097-EA, as revised, 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 Las Vegas Resource Management Plan (1998) and Ely District Record of Decision and Approved RMP (2008). Therefore, an environmental impact statement is not required.

Project Summary:

This EA, as revised, evaluates programmatically the impacts associated with allowing desert tortoise translocation into recipient sites, evaluated by an interdisciplinary team, and approved by the Desert Tortoise Recovery Office (DTRO) on lands managed by the Bureau of Land Management (BLM) within Clark and southern Lincoln and Nye Counties, Nevada. The BLM lands included are in the Southern Nevada District and the Caliente Field Office. Translocation includes the moving of tortoises from the Desert Tortoise Conservation Center (DTCC) into natural populations. Translocation sites will be identified using the following criteria.

1. Suitable desert tortoise habitat within 175 km (46 mi) of the DTCC.
    - **Reason:** Based on recent peer-reviewed research, desert tortoise populations within 100 km of the DTCC are considered genetically similar. Most of the tortoises at the DTCC are reasonably assumed to be of local genetic stock based on peer reviewed science. Thus the translocation range of 175 km from the DTCC is reasonable and supported by the best available science.

2. BLM-managed lands only and generally below 1677 m (5,500 feet) elevation and the recipient site supports desert tortoise habitat suitable for all life stages. Limited exceptions may be made to the upper elevational limit for small-scale, experimental translocations such as those that may investigate aspects of climate change or distributional limits.
    - **Reason:** BLM only has the authority to make decisions on lands managed directly by the BLM, and identified recipient sites must be suitable tortoise habitat which has been determined by the DTRO to be typically below 1677 m.

3. Preference given to areas with additional management prescriptions or designations for the protection (i.e. Areas of Critical Environmental Concern (ACEC), Wilderness and Wilderness Study Areas) of the species and where desert tortoise populations have been depleted within these areas.
    - **Reason:** Translocating tortoises into areas that have fewer land use conflicts and which have depleted tortoise populations will put these tortoises at lower risk of mortality from multiple use activities.

4. Habitat quality supported by the U.S. Geological Survey (USGS) desert tortoise habitat model (USGS 2009), when appropriate, typically category 0.6 to 1 Tortoise occurrence in the model range from 0 ft to 7000 ft. The model reflects where the majority of the tortoise were reported.
    - **Reason:** To ensure recipient sites are within suitable tortoise habitat.

5. Fenced areas (desert tortoise exclusion fencing) along major paved roads that experience high use (i.e. interstates and state highways) as long as the end of the fence is at least 6.5 km (4 mi) from recipient site. Limited exceptions may only be made in instances in which topographic features may limit dispersal or intensive monitoring and associated corrective action provides assurances that released tortoises will not encounter such roads.
6. **Reason**: Areas with tortoise fencing along highways will prevent translocated tortoises from vehicle mortality.

7. Areas that are known to have depleted tortoise populations.
8. **Reason**: BLM and the DTRO only want to augment populations that have recent declines.

9. Areas in which information on health status of the resident population is available.
10. **Reason:** The BLM and DTRO do not want healthy translocated tortoises to be exposed to diseases in the natural populations. Additionally, information on health status of the resident population within a recipient site generally must be available for monitoring purposes to detect changes whether disease has increased, decreased, or is unchanged after translocation.

Areas that will be avoided from translocation site consideration include:

1. Land within disposal boundaries defined in the Southern Nevada Public Land Management Act and 1998 RMP;
2. Major recreation areas (i.e. frequent race course areas, designated open areas, or casual use areas experiencing high activity levels);
3. Existing or anticipated large scale site-type rights-of-way (ROW) areas;
4. Solar Energy Zones;
5. Active mineral sites including areas with mining plans, notices, community pits, and free use permits;
6. Dry lake beds; and
7. Lands that are not managed by BLM.

This EA, as revised, also specifically evaluates Trout Canyon as the first site to implement translocation. In order to reduce the DTCC tortoise population, an estimated 900 tortoises will be translocated annually for the first two to three years. In subsequent years, it is anticipated that approximately 100 tortoises will be translocated annually over a period of 10 years. Trout Canyon was previously analyzed, but not selected, as a translocation site in 2005 (EA # NV-050-2005-173) and previous resource concerns have since been resolved.

The Trout Canyon translocation site encompasses approximately 239 km^2 of desert scrub habitat on public lands managed by the BLM in Clark County, Nevada. The site is located east of Pahrump and west of Mountain Springs. It is bordered on the south by State Route 160, and extends generally to the 1,250-meter elevation line in the Spring Mountains on the north. The western boundary runs north-south along the Clark and Nye County line, and the eastern boundary follows the west bank of Lovell Wash. An approximately 30.5-km stretch of S.R. 160 was fenced with tortoise-exclusion fencing.

Context:

The project falls within desert tortoise habitat on BLM lands managed by the Southern Nevada District and Caliente Field Office. This EA, as revised, only applies to lands managed by the BLM. The discussion of significance criteria that follows applies to the intended action and is within the context of local importance. DOI-BLM-NV-S010-2012-0097-EA details the effects of the project and is incorporated by reference into this FONSI. None of the effects are considered significant based on translocation densities, minimal impacts to translocated and resident tortoises, negligible impacts to wilderness and wilderness study areas. The EA,

as revised is consistent with the desert tortoise recovery plan.

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 that may be both beneficial and adverse.*

   Desert Tortoise, Desert Tortoise ACEC's, and Desert Tortoise Critical Habitat
   The proposed action would impact resources as described in the EA, as revised. Beneficial impacts to the desert tortoise may result in the long-term, with population densities likely to be more similar to their natural levels in the recipient area. Species translocations or releases have been utilized to establish, reintroduce, or augment populations with varying levels of success. By augmenting tortoise populations, there will be increased intraspecific interactions which may lead to higher rates of reproduction and an increased incidence of gene flow with adjacent populations.

   Adverse impacts may occur, due to increased above ground activity, including increased risk of predation, exposure, fire, disease, mortality from vehicles, and drowning from flooding. Resident tortoises may be affected within the project area due to local increases in population density. Augmented populations may encounter increased intra-specific interactions, an increased incidence of aggressive interactions between individuals, and an increased incidence of predation that may not have occurred in the absence of translocation. Mitigation measures to reduce adverse impacts to desert tortoises were incorporated in the design of the proposed action. None of the environmental effects discussed in detail in the EA, as revised, and associated appendices are considered significant, based on the EA analysis, translocation criteria, and additional measures outlined in the Trout Canyon Translocation Plan.

   Wilderness Areas and Wilderness Study Areas
   Beneficial impacts to wilderness areas and wilderness study areas by augmenting tortoise populations would include bringing tortoise populations back to a more natural level and improving the naturalness of the areas. Translocations would promote the reestablishment of the desert tortoise in its native habitat, thereby improving the ecological component of the wilderness.

   Adverse impacts of translocation of the desert tortoise would include temporarily impacting the untrammeled character of wilderness by introducing human manipulation. However, this short-term trammeling would result in beneficial effects in the long term by reestablishing desert tortoises into their native habitat, where previous human manipulations caused tortoise population declines. This short-term trammeling of wilderness is not considered a significant impact. Subsequent monitoring of the desert tortoise would be conducted on foot by two or fewer individuals at a time. Impacts to solitude would be temporary and occur in limited portions of the wilderness areas. Impacts to solitude are not considered significant.

   The proposed action does not beneficially or adversely impact the non-impairment standard to which wilderness study areas are managed. Translocation is fleeting and no aspect of the proposed action would result in surface disturbance necessitating restoration.

2. *The degree to which the proposed action and/or alternatives selected affects public health and 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 farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.***

The proposed project area is extensive, containing multiple cultural, historic and ecologically sensitive areas. Desert tortoise ACECs and critical habitat will be affected. The effects to these ecologically sensitive areas are described in the EA, as revised. There will be no affect to historical and cultural areas from this action.

The project includes all desert tortoise ACECs, wilderness, wilderness study areas consistent with meeting the translocation site criteria described in the EA, as revised, and approved by Desert Tortoise Recovery Office. Travel within the project site is consistent with travel management guidelines outlined, in ACEC, Wilderness and Resource Management plans.

The Trout Canyon Translocation Plan, prepared by the Desert Tortoise Recovery Office (DTRO), will provide the level of detail needed to ensure successful translocation. Trout Canyon is consistent with all criteria, except criteria #3, and contains suitable tortoise habitat. Under criteria #3, Trout Canyon is not designated as an ACEC, but the land use conflicts in this area are very low, including no major rights of way, no racing, and no grazing. Trout Canyon is adjacent to the U.S. Forest Service Spring Mountain National Recreation Area and Red Rock Canyon National Conservation Area, whose land use restrictions help to reduce impacts in Trout Canyon.

Table 1. Summary of selection criteria for Trout Canyon

Criteria	*Yes-No*	*Notes*
1. Distance from DTCC	Y	40-60 km (24-37miles)
2. BLM managed lands below 5,500ft	Y	239 km^2 area; elevation 1036m-1676m (3,400ft-5500ft)
3. Protected	N	Contiguous high-value habitat, potentially valuable for population connectivity; low land use conflict
4. USGS Desert tortoise habitat model	Y	0.6-0.9
5. Fenced Highways	Y	Hwy 160 is fenced from Trout Canyon Rd to Lovell Canyon Rd
6. Depleted tortoise density	Y	2.9 tortoises/km^2 (0.01 tortoises/acre)
7. Disease prevalence	n/a	The low number of tortoises within the Trout Canyon release site precludes the need for intensive health sampling of the resident population. A "spot check" survey will be conducted prior to translocation.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The peer-reviewed research indicates that translocation, using rigorous site identification criteria, can be used as a recovery tool. No anticipated effects have been substantiated scientifically. 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.*

This project is not unique or unusual. The environmental effects to the human environment are fully analyzed in the EA, as revised. Desert tortoise translocation has been ongoing since 1997 within Southern Nevada with no significant effects on the human environment. Desert tortoise translocation has not been studied over the long-term and therefore, though preliminary studies indicate that translocation has not affected resident tortoises, there may be a small level of uncertainty as to the effect of translocation on resident desert tortoises over the long-term. This uncertainty does result in some level of unknown risks, though these risks are believed to be insignificant based on best available science. The use of USFWS guidelines will minimize potential negative impacts to both the resident and translocated tortoises. Decisions regarding future translocation sites will synthesize monitoring results from previous translocation efforts to understand possible impacts of translocation on resident tortoise populations. 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 establish a precedent for future actions with significant effects or constitute a decision in principle about a future consideration. Monitoring results from Trout Canyon will be used to inform future decisions in an adaptive manner. If new information indicates that impacts to the tortoise population from translocation are occurring, then BLM and DTRO can modify the translocation criteria, require further analysis, or even cease further action. The translocation activities considered in the Proposed Action were developed using established protocols outlined in Manuals 6840 and 1745; recipient site criteria were developed by the DTRO.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The interdisciplinary team evaluated the possible actions in the 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 part 4 of the EA, as revised.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.*

The project will not adversely affect district, 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 approved 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 ESA of 1973.*

Mitigating measures to reduce impacts to wildlife have been incorporated into the design of the Proposed Action. It has been determined the translocated tortoises and tortoises at the recipient sites will not be adversely affected. Mitigation measures, as discussed in the EA, as revised, would

minimize 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 Project* 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). By implementing stringent health protocols, as discussed in detail in the EA, as revised, only healthy tortoises would be translocated, thus reducing the potential adverse effects of increased disease exposure. Also, the translocation would take place in a highly dispersed manner, such that potential adverse effects from increased predation of translocated tortoises would be reduced to near background natural levels. The risk to resident desert tortoises from translocation is low. Resident tortoise density surveys, health assessments of both the DTCC and resident tortoise, and all post translocation monitoring will be completed under the authority of the Endangered Species Act (ESA) Section 10(a)(1)(A) Recovery Permit issued by the USFWS to the DTRO or other permittee.

10. *Whether the action threatens a violation of Federal, State, or local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.*

The proposed action does not violate or threaten to violate any Federal, State or local or tribal law or requirement imposed for the protection of the environment. The proposed action and supporting documentation contain discussion pertaining to Endangered Species Act, Wilderness Act, National Historic Preservation Act, Clean Water Act, and Executive Order 12898 (Environmental Justice). With the exception of the Endangered Species Act and Wilderness Act, the EA, as revised, 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. With respect to the Wilderness Act, the proposed action has been developed through the Minimum Requirement Decision Guide process to determine the minimum activity for actions within wilderness areas. In addition, the project is consistent with applicable land management plans, policies, and programs.

No other significant impacts are expected to result from implementation of the selected action.

Signatures:

Recommended by:

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Wildlife Biologist
Las Vegas Field Office

1/31/13
Date

Approved by:

Associate District Manager

Patrick Gubbins
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1/31/2013
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Approved by:

Rosemary Thomas

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Date