

**Record of Decision for Environmental Assessment  
DOI-BLM-NV-S010-2012-0097-EA  
Desert Tortoise (*Gopherus agassizii*)**

**Translocation throughout the Species Range within Southern Nevada District and Caliente Field Office**

**Compliance:**

The Proposed Action alternative of Environmental Assessment (EA) DOI-BLM-NV-S020-2011-0003-EA, as revised, is in conformance with the approved land use plans and is consistent with the applicable plans and policies of county, state, tribal and federal agencies. The Proposed Action is in compliance with the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq.), and conforms to the Bureau of Land Management (BLM) 1998 Las Vegas Resource Management Plan and 2008 Ely District Record of Decision and Approved RMP. The Proposed Action is in compliance with the Migratory Bird Treaty Act (16 U.S.C. 703-711), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531), the National Historic Preservation Act (NHPA) of 1966 (P.L. 89-665; 16 U.S.C. 470 et seq.), the Clean Air Act of 1970, as amended (42 U.S.C. 7401 et seq.), Wilderness Act of 1964 and the Noxious Weed Control Act of 2004 (P.L. 108-412).

**Selected Action:**

It is our decision to authorize programmatically desert tortoise translocation on BLM lands within the Southern Nevada District and Caliente Field Office and specifically in Trout Canyon as described in the Proposed Action of EA# DOI-BLM-NV-S010-2012-0097-EA, as revised. We have determined, pursuant to 40 CFR 1508.2, that the Proposed Action, with the mitigation measures described in the Finding of No Significant Impact (incorporated herein), will not have any significant detrimental effects on the human environment, and thus does not require the preparation of an Environmental Impact Statement.

This EA, as revised, evaluates programmatically the impacts associated with allowing desert tortoise translocation into identified recipient sites, evaluated by an interdisciplinary team and approved by the Desert Tortoise Recovery Office (DTRO), within the Southern Nevada District and the Caliente Field Office, Lincoln County, Nevada. Translocation includes the moving of tortoises from the Desert Tortoise Conservation Center (DTCC) into natural populations. This action will augment and assist recovering desert tortoise populations and will provide monitoring and research opportunities, which are actions outlined in the Desert Tortoise Recovery Plan. Further, this EA, as revised, specifically evaluates Trout Canyon as the first site to implement translocation and incorporates input from stakeholders and provides additional information about translocation criteria.

Subsequent desert tortoise translocation proposals will be tiered off of this EA, as revised. New proposed recipient sites will be analyzed and a site specific desert tortoise translocation plan will be attached, which will be available for a 30-day public review. Afterward, a separate decision record will be issued with a 30-day appeal period. Decision records will be signed by the authorized officer in the BLM office where the action occurs.

**Compliance with NEPA:**

The Proposed Action was analyzed in Environmental Assessment # DOI-BLM-NV-S010-2012-0097-EA.

**Public Involvement:**

The BLM sent post cards to interested parties with information and guidance for providing feedback and comments on the EA during comment period, from August 15 through October 31, 2012. BLM also utilized Facebook and Twitter in addition to a news release for notification of the availability of the EA and

comment period. BLM presented the EA to Town Board meetings in Bunkerville, Moapa, Goodsprings, Searchlight, Las Vegas, Indian Springs, Mesquite, Pahrump, Amargosa Valley, Alamo and Caliente. BLM received over 230 written comments. Major comments included (1) not having enough information on the translocation process, (2) impacts to wilderness characteristics, (3) concerns about restricting existing uses, and (4) impacts to tortoises (e.g., health, genetics, habitat, etc.). Based on comments received, BLM revised the EA to include the following information.

This EA, as revised, includes additional information on the translocation process and detailed information on Trout Canyon as the initial translocation recipient site (including a site specific translocation plan). The EA, as revised, also requires future proposed translocation recipient sites to be described in detail, a site-specific translocation plan attached to the proposed action, and a 30-day public comment period prior to a decision being issued. Additionally, the EA, as revised, contains a detailed analysis of impacts to wilderness characteristics and clarifies that no change to existing land uses will occur. Public comments and BLM responses are included in the EA, as revised.

#### **Rationale:**

Our decision to authorize the Proposed Action does not result in any undue or unnecessary environmental degradation. Our decision to authorize the Proposed Action conforms with, and implements measures from, the Las Vegas Resource Management Plan, the 2008 Ely District Record of Decision and Approved RMP, and the Desert Tortoise Recovery Plan. Additionally, analysis from the EA, as revised, shows that this decision will have a beneficial impact on the threatened Mojave Desert Tortoise and wilderness areas. BLM will be following guidance by the DTRO on disease, genetics, and translocation. We anticipate that this decision will not cause the loss or destruction of any significant scientific, cultural, or historic resources.

The No Action alternative would result in no desert tortoise translocation; tortoise populations would not be augmented, the resident tortoise population at the DTCC would not be used to aid in recovery, and the Desert Tortoise Recovery Plan would not be implemented for that action.

#### **Appeal or Protest Opportunities:**

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days of the decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the IBLA and the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof in demonstrating that a stay should be granted.

#### **Standards for obtaining a stay**

Except as otherwise provided for by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.

3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting a stay.

I approve of the use of the Trout Canyon site for the first desert tortoise translocation site in the Southern Nevada District. BLM will follow disease, genetic and translocation guidance developed by the DTRO for recipient populations and translocated tortoises.

### **Mitigation Measures:**

#### **Tortoise Stipulations**

1. Follow USFWS DTRO guidance for translocation site selection, disease testing, genetic testing, survey protocols, handling, and monitoring techniques.
2. Speed limit of 25 mph will be maintained on all unposted dirt roads.
3. Workers will be instructed to check underneath all vehicles before moving them as tortoises often take cover underneath parked vehicles.
4. Tortoise burrows, if needed, will be constructed outside wilderness and wilderness study areas.

#### **Other Stipulations**

1. All vehicles will be cleaned prior to entering the area, as well as after they are removed from the area to prevent the spread of noxious weeds.
2. Fire restrictions will be upheld.
3. Applicant must not disturb archaeological and historical sites, including, but not limited to, petroglyphs, ruins, historic buildings, and artifacts. Any cultural artifacts inadvertently discovered during permitted operations must be left in place.
4. All motorized vehicles are restricted to existing roads.

### **Contact Persons**

For additional information concerning this finding, contact  
Amelia Savage, Wildlife Biologist or  
Mark Slaughter, Supervisory Natural Resources Specialist  
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and

Alicia Styles, Wildlife Biologist  
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Record of Decision for Desert Tortoise  
Translocation within Southern Nevada



**Authorizing Officials:**

  
Patrick Gubbins  
Acting SNDO District Manager

**Associate District Manager**

  
Date

**Authorizing Officials Caliente Field Office:**

*Rosemary Thomas* *2-1-2013*  
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Rosemary Thomas Date  
Ely District Manager