

**United States Department of the Interior
Bureau of Land Management
California Desert District Office
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553**

RECORD OF DECISION

Supplemental Environmental Impact Statement for Land Acquisition and Airspace Establishment to Support Large-Scale Marine Air Ground Task Force Live-Fire and Maneuver Training at Marine Corps Air Ground Combat Center, Twentynine Palms, California

INTRODUCTION

In February 2013, the Department of the Navy (DON) signed a Record of Decision (ROD) based on the 2012 Final Environmental Impact Statement (EIS) for *Land Acquisition and Airspace Establishment to Support Large-Scale Marine Air Ground Task Force Live-Fire and Maneuver Training at the Marine Corps Air Ground Combat Center, Twentynine Palms, CA*. The 2013 ROD documented the DON's decisions regarding establishment of a large-scale Marine Air Ground Task Force training facility at the Combat Center. The National Defense Authorization Act (NDAA) of 2014 authorized the withdrawal of federal land and purchase of non-federal land to provide for Marine Expeditionary Brigade level live-fire training at the Combat Center.

Since the 2012 Final EIS and 2013 ROD, the DON has conducted detailed studies and worked with the Bureau of Land Management (BLM) and the United States Fish and Wildlife Service (USFWS) to refine the translocation plan for Agassiz's desert tortoise (*Gopherus agassizii*) (hereinafter "desert tortoise"), as required by the 2012 Biological Opinion (BO). As a result of this effort, two alternative desert tortoise translocation plans were developed. In light of new information gained, the DON elected to prepare a supplemental EIS focused on the evaluation of potential environmental effects associated with alternative tortoise translocation plans.

The DON, with BLM serving as a Cooperating Agency, prepared a Supplemental Environmental Impact Statement (SEIS) to evaluate environmental impacts of alternative plans for translocating desert tortoise that would experience high to moderate levels of impact from training activities proposed on previously acquired lands at the Marine Corps Air Ground Combat Center at Twentynine Palms, California. The three desert tortoise translocation plans evaluated in the SEIS include activities on both DON lands within the Combat Center and BLM-managed lands in the surrounding area.

The Draft SEIS was published on September 30, 2016 and was followed by the issuance of a Final SEIS on January 6, 2017. In coordination with DON, the BLM adopted the SEIS and has prepared this Record of Decision (ROD) regarding the actions on BLM-managed lands.

DECISION

BLM is selecting Alternative 2 as it pertains to lands managed by BLM. The selected alternative provides for the implementation of the June 2016 *Desert Tortoise Translocation Plan*, as amended by the 2017 Final SEIS, that will translocate affected desert tortoises from specific training areas within the Combat Center's Western Expansion Area (WEA) and Southern Expansion Area (SEA) to selected desert tortoise recipient sites. Four of the proposed recipient sites are on lands managed by BLM, as identified in the Final SEIS. The BLM's decision would incorporate all practical means to avoid or minimize environmental harm from the selected alternative by adopting all of the Special Conservation Measures (SCMs) and the Potential Mitigation Measures applicable to BLM-managed lands that were identified in Section 2.6 of the Final SEIS.

Based on the analysis in the 2017 Final SEIS, and to the extent that the action involves or affects public land under the administration of the BLM, I have selected Alternative 2 (Preferred Alternative), as described in Section 2.3 and subject to the SCMs. The selected alternative will translocate affected desert tortoises from specific training areas within the Combat Center's Western Expansion Area (WEA) and Southern Expansion Area (SEA) to four tortoise recipient sites on BLM-managed lands (i.e., Lucerne-Ord, Rodman-Sunshine Peak, Broadwell, and Siberia). These recipient sites are located within lands designated for conservation (i.e., California Desert National Conservation Lands, Ord-Rodman Area of Critical Environmental Concern, Bristol Mountains Area of Critical Environmental Concern, Cady Mountains Wilderness Study Area, and Mojave Trails National Monument). Monitoring of tortoises will also occur within four specified control sites (Dagget, Rodman-Sunshine Peak, Calico and Ludlow) located on BLM-managed lands, also designated for conservation. This decision also approves related activities on BLM-managed land subject to SCM's and the Desert Renewable Energy Plan Conservation and Management Actions including but not limited to: helicopter transport of tortoises in certain areas, with landing areas allowed only within existing roads/routes designated as "open" (signed) by BLM; motorized vehicle use only on "open" (signed) routes as designated by BLM; periodic access on foot by Authorized Biologists to conduct tortoise surveys, monitoring, and health assessments within wilderness and wilderness study areas; installation of off-highway vehicle (OHV) barrier and tortoise exclusion fencing along some edges of the Ord-Rodman and Daggett Ridge Monkey Flower Area of Critical Environmental Concern (ACEC) boundaries; rehabilitation of unauthorized routes and signing within the ACECs; desert tortoise research; and establishment of a network of rain gauges, with some as part of more sophisticated weather stations, throughout the recipient and control sites as part of the post-translocation monitoring plans.

ALTERNATIVES CONSIDERED

The 2011 General Translocation Plan (GTP) (Appendix A in the Final SEIS) that was prepared in support of DON's 2012 Final EIS and associated DON 2012 BO was evaluated as the No-Action Alternative in the SEIS. The intent of the 2011 GTP was to provide for the translocation of tortoises from training areas in the WEA and SEA that would experience high to moderate levels of impact from the proposed training activities, and to recommend further investigation of those factors that would be important determinants of translocation success and tortoise recovery. The 2012 BO identified conservation and mitigation measures to minimize the rate of mortality or injury to resident desert tortoises, including developing a detailed plan to translocate desert tortoises from areas that would experience impacts from training in the WEA and SEA.

Under the No-Action Alternative, the Marine Corps would conduct translocation of desert tortoises at recipient areas as identified in the 2011 GTP and the 2012 BO. The No-Action Alternative would include several recipient and control areas and identifies translocation methods, post-translocation monitoring, and other research that would provide important information about desert tortoise recovery methods.

As described in Section 1.3 of the SEIS, the 2013 ROD committed the DON to implementing a tortoise translocation program (in addition to other resource-specific mitigations) as required in the 2012 BO issued by the USFWS. The 2011 GTP described the specifics of the translocation program that was proposed at the time, but the ROD also committed the DON to performing extensive pre-translocation surveys of potential recipient sites to provide information that may be used to modify the GTP. The GTP itself discussed an approach for further investigation of those factors that are important for implementing translocation and are likely to influence translocation success and tortoise recovery. As outlined in the 2011 GTP, the DON has since conducted a three-year program of surveys, literature review, and consultation with BLM and USFWS, resulting in the preparation of a revised desert tortoise translocation plan in March 2016 (Alternative 1), which was further refined in June 2016 (Alternative 2).

Alternatives 1 and 2 primarily differ from the No-Action Alternative in the selection of recipient and control sites and in the distribution of desert tortoises at each recipient site. Compared to the No-Action Alternative, Alternatives 1 and 2 would include additional research studies. The research studies are expected to provide information that would be valuable for consideration of future management actions. The change of receptor and control sites reflect updated information obtained from the surveys conducted since the 2012 Final EIS. Other aspects of Alternative 1 and 2 would be similar, with the exception that under Alternative 1 experimental densities of receptor sites would be increased up to 13.2 desert tortoises per km² whereas under Alternative 2 the maximum receptor site densities would be 10.5 desert tortoises per km². The reduction of final maximum receptor site densities of tortoise under Alternative 2 (Preferred Alternative)

could help reduce potential adverse effects of high stocking rates as described in the Final SEIS. Alternative 2 also places greater emphasis on augmenting depleted desert tortoise populations.

During the planning process for the SEIS, two additional alternatives (i.e., no training/no translocation on acquired lands and training on acquired lands but no translocation) were considered and then eliminated from further analysis because they would not have met the purpose and need for the proposed action or were found to be otherwise not reasonable (Section 2.5 of the Final SEIS). The no training/no translocation on acquired lands alternative would be contrary to the specific purpose for which the lands were withdrawn by an Act of Congress (NDAA of 2014). The training on acquired lands but no translocation alternative would result in a loss of desert tortoises and desert tortoise habitat that is not compatible with recovery of this threatened species.

MANAGEMENT CONSIDERATIONS

In making my decision to approve Alternative 2 (Preferred Alternative) as described above and in the Final SEIS, I have carefully considered the following factors:

- Alternative 2 is the alternative that best fulfills statutory mission and responsibilities, considering economic, environmental, technical, and other factors. In particular, the enhanced research proposed under this alternative is expected to provide information which could help guide future management of desert tortoise and other resources managed by BLM.
- Desert tortoise recipient sites under Alternative 2 were identified based on recent data from an additional three years of research on population densities, disease status of both recipient and donor populations, present and future anthropogenic influences, predator effects, proximity to protected lands and to adjacent desert tortoise populations, and habitat structure. Data collection on desert tortoise density and habitat quality (including qualitative and quantitative habitat assessments) have been ongoing since 2012, allowing for further refinement of the recipient areas originally identified in the 2011 GTP.
- Headstarting research will be performed under Alternative 2 but not under the No-Action Alternative. This research could help inform future management options for BLM.
- OHV barrier and desert tortoise exclusion fencing would be constructed to protect desert tortoises and their habitat located within the Ord-Rodman and Daggett Ridge Monkey Flower ACECs from OHV users under Alternative 2.
- Research on the potential effects that grazing may have on desert tortoises would be performed under Alternative 2 that would not have been conducted under the No Action Alternative. This research is expected to provide insights which could help inform future management actions conducted by BLM.

- The use of helicopters to transport desert tortoises under Alternative 2 will greatly reduce the amount of time they are handled as well as the stress associated with long handling periods.
- Physical and genetic distance research under Alternative 2 is expected to help inform degree and timing of assimilation of translocatees with residents, helping to measure translocation effectiveness. These data could help inform BLM regarding future management actions.
- Alternative 2 will reduce the final maximum density of desert tortoise (as compared to the No Action and Alternative 1 proposals) at recipient sites and therefore would likely decrease potential impacts associated with high stocking rates as outlined in the Final SEIS.
- Alternative 2 places a greater emphasis on augmenting depleted desert tortoise populations.

Although Alternative 1 provides many of the relative advantages over the No-Action Alternative described above, Alternative 2 represents a better translocation plan than Alternative 1 and is the environmentally preferable alternative. The translocation plan presented in Alternative 2 is expected to result in lesser impacts to vegetation associated with fence construction, lower maximum density of tortoise at proposed receptor sites, and is based on the latest translocation guidance from the USFWS.

PUBLIC INVOLVEMENT

The notice of availability (NOA) and notice of public meetings (NOPM) were published in the *Federal Register* on September 30, 2016 (81 FR 67334). Public meetings were held in Joshua Tree, California on October 25; in Palm Springs, California on October 26; and in Barstow, California on October 27, 2016, to inform the public about the proposed action and the alternatives under consideration, and to provide an opportunity for the public to comment on the Draft SEIS. Informational posters, videos, and maps were displayed and subject matter experts were available during the public meetings (open house format) to provide information about and answer questions on the Draft SEIS. Comment forms, a computer, and a stenographer were available to receive written and oral comments from the public. More than 4,730 comments were received from the general public and federal, state, and local agencies via the three official comment submittal methods (during public meetings, via the website, and by mail). Most of the comments received related to concerns about the potential impacts of translocation on the health and mortality of the desert tortoise population, but comments about the land acquisition and training exercises originally analyzed in the 2012 EIS and selected in the 2013 ROD were also common. BLM staff attended the meetings and coordinated closely with DON to develop responses to comments which were directed towards BLM specific issues and concerns. The Final SEIS was prepared by incorporating responses to comments and additional analyses as applicable.

The NOA for the Final SEIS was announced in the *Federal Register* on January 6, 2017, local newspapers, and on the project website. The NOA for the Final SEIS was sent to regulatory agencies, Native American Tribes, municipalities, elected officials, and to individuals who had requested copies during preparation of the 2012 Final EIS and during the SEIS public comment period. Postcards announcing the availability of the Final SEIS were again mailed to all individuals and groups on the mailing list. A copy of the Final SEIS was available on the DON project website at all times during (and after) the thirty-day waiting period.

A total of 13 comments and comment letters on the Final SEIS were received. The comments did not identify new circumstances or information relevant to environmental concerns that had not been previously analyzed in the SEIS and considered by BLM in the selection of the Preferred Alternative.

The BLM participated in the preparation of the SEIS as a Cooperating Agency. The BLM's involvement as a cooperating agency in the development of the SEIS was triggered by its current jurisdiction by law and special expertise over a portion of lands considered for translocation of desert tortoises. The BLM has unique knowledge of the public lands under its control and has the expertise essential to help evaluate appropriate parcels of land to meet translocation requirements. BLM conducted routine and frequent coordination with DON throughout the SEIS process.

In addition to consideration under the National Environmental Policy Act, the proposed action is subject to federal and state regulatory requirements and, therefore, USFWS, California State Historic Preservation Office, California Department of Fish and Wildlife, and others were consulted and/or coordinated with.

The USFWS issued a Biological Opinion on January 31, 2017. The BO analyzes the DON and BLM actions together. While the BLM's approval is covered by the BO, there is no take specifically identified with the BLM's approval that is separate or in addition to those actions to be implemented by DON. The BLM's authorization for its administered lands does not result in additional take above the take associated with the DON actions. All of the ground actions and potential for take and required reporting fall under the DON actions and responsibilities. The Section 7(o)(2) exemption for incidental take that is provided by the 2017 BO was extended to the BLM for all activities associated with translocation that would occur on BLM-managed lands.

Alternative 2 includes landing helicopters within the recipient sites, construction of OHV barrier fencing, and route restoration. A Class III survey will be conducted prior to use. If cultural resources are present, the proposed activity will be moved to an alternate location. All cultural resources will be avoided. There will be no other new ground disturbance as a result of this action. All ground travel will be limited to open routes of travel. Pursuant to the *State Protocol*

Agreement Between The California State Director of The Bureau Of Land Management And The California State Historic Preservation Officer (2014) and consistent with 36 CFR Part 800, the BLM has reviewed this undertaking and has determined that there will be no effect to historic properties as a result of this action on BLM-managed lands.

MONITORING

The January 31, 2017 BO requires that by March 31 of each year that the opinion is in effect, the DON must provide a report to the USFWS. The section of the 2017 BO titled "Reporting Requirements" (pages 130-132) lists nine items which must be included in the report, and these items are incorporated herein by reference. This report will serve as the basis for BLM to monitor the implementation of all avoidance and minimization measures and to ensure that all such measures are being implemented by DON.

APPEALS

This implementation-level decision regarding the selected desert tortoise translocation plan alternative as it applies to lands managed by the BLM is subject to appeal. A party that is adversely affected by this decision may file an appeal in accordance with the procedures in 43 CFR Part 4. The effective date of this decision and the date initiating the 30-day appeal period will be the date the Record of Decision is published in the *Federal Register*.

APPROVAL

After careful consideration of the purpose and need for the proposed action, the analysis contained in the Final SEIS, comments received on the Draft and Final SEIS, and the 2017 BO, it is my decision to adopt Alternative 2, as described above and in the Final SEIS. This alternative is the environmentally preferred alternative and conforms to the California Desert Conservation Area Plan, as amended most recently by the September 2016 Desert Renewable Energy Conservation Plan.



Beth Ransel
California Desert District Manager

2/9/2017
Date