

FROM : Strategic Plans Office

FAX NO. :

Apr. 30 2004 09:26AM P3

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DEPARTMENT OF THE ARMY
HEADQUARTERS, NATIONAL TRAINING CENTER & FORT IRWIN
FORT IRWIN, CA 92310-5000

January 29, 2003

REPLY TO
ATTENTION OF

Deputy Commander and
Chief of Staff

U.S. Department of the Interior
Fish and Wildlife Service
Ventura Office
2493 Portola Road, Suite B
Ventura, California 93003

Dear Mr. Bransfield

This letter follows up on points raised during our Section 7 consultation meeting that occurred on January 23, 2004. At that time, the U.S. Fish and Wildlife Service (FWS) raised a question regarding the terminology used to describe the potential effects on critical habitat designated for the desert tortoise, as set forth in the Executive Summary and Conclusion Section 5.1.6 of the *Biological Assessment for the Proposed Addition of Maneuver Training Land at Fort Irwin, CA* (BA). The FWS requested clarification of the terminology used.

This letter forwards our clarification of the terminology used in the sections referenced above. This clarification reaffirms our conclusion that the proposed project is likely to adversely affect this species and its designated critical habitat. The BA, however, was not intended to draw a conclusion as to whether the proposed action would result in an adverse modification of designated critical habitat. While we believe that an adverse modification is not justified based on the best available science, we understand that this is a determination that rests with the Secretary of the Interior. We have attached errata pages to replace pages 0-1, 0-2, and 518 of the BA.

This clarification addresses your concern and removes any ambiguity in the BA. Based on this clarification and the revised numbers that we are preparing based on the additional set aside areas we discussed, we hope that you will be able to provide your Draft Biological Opinion for our review in the next few days. I appreciate your raising this point during our on-going Section 7 consultation.

Sincerely,

Edward L. Flinn
Colonel, US Army
Deputy Commander and
Chief of Staff

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Executive Summary

The National Training Center (NTC) and Fort Irwin Military Reservation in San Bernardino County, California, is used to train United States Army brigade-sized units in a realistic battlefield environment. Because of changes in training requirements caused by new equipment, technology and Army fighting doctrine, the facility was expanded by a congressional land withdrawal action in 2001 by approximately 110,000 acres (44,517 ha). Further refinements due to land surveys and GIS analysis of the boundary indicate the total land withdrawal area to be approximately 118,674 acres (48,027 ha). The legislation expanding size of Fort Irwin also required that before Fort Irwin can use the land for training purposes, the change of use must be analyzed pursuant to both the National Environmental Quality Act (NEPA) and the Endangered Species Act (ESA) and be coordinated with the review of the West Mojave Coordinated Management Plan, a planning effort currently being undertaken by the Bureau of Land Management (BLM). This Biological Assessment (BA) was prepared to assess the effects of the proposed project, including mitigation, compensation and conservation measures on species federally listed as threatened or endangered.

There are two federally listed species, the desert tortoise (*Gopherus agassizii*) and Lane Mountain milk-vetch (*Astragalus jaegerianus*) present within the Project Area. An additional species was also included for impacts analysis in this BA. The desert cymopterus (*Cymopterus deserticola*) is a plant with a petition currently pending before the U.S. Fish and Wildlife Service. In addition, the BA found that the proposed project is also likely to adversely affect desert tortoise critical habitat. However, proposed mitigation, conservation and compensation measures incorporated into the project would aid in the long-term survival and recovery of these species. The basis of these findings is described briefly below.

The project area includes three general sites: Superior Valley, Eastgate, and the UTM 90 Gridline Area (UTM 90 Area). All sites would be used for non-live fire Army training maneuvers except for designated conservation or off-limits areas. In addition, a transit route to allow for the movement of vehicles and equipment from the cantonment area on Fort Irwin to the Superior Valley area would also be improved through NASA's Goldstone Deep Space Communications Complex. While each area would be used for maneuver training, with the exception of the transit route, the intensity of training and types of training activities will vary from area to area and be highly dependent upon terrain and type of Army unit participating in the rotation. Impacts from Army training activities will range from zero (0) direct or indirect impacts in off-limits or low use areas, to 100% ground surface disturbances in high use areas. The number of training rotations and numbers of soldiers participating any in rotation would not increase. In addition to the increase in the size of the maneuver training land, several conservation, compensation and mitigation actions are incorporated into the project to off-set and mitigate for impacts to endangered species as described below.

The potential major adverse impacts to the desert tortoise includes a potential estimated take of approximately 1,000 animals, including relocated animals; possible adverse impacts to approximately 120,766 acres (48,874 ha) of occupied, unoccupied and potential tortoise habitat near the edge of the species range of which 87,300 (35,330 ha) is also designated critical habitat; and constriction of the population south of Fort Irwin. The majority of the area anticipated to be impacted contains low to extremely low densities of desert tortoise. The loss and fragmentation

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this habitat may cause the heightened possibility of additional loss of animals in the fragmented sites at the edge of the species range. Proposed mitigation measures to avoid, lessen, and offset these impacts and impacts to designated critical habitat include, but are not limited to, the enhancement and recovery of the current core desert tortoise population northwest of Barstow and populations throughout the proposed Superior-Cronese Lakes, Fremont-Kramer and Ord-Rodman DWMA's by consolidating land ownership through the purchase of approximately 130,000 acres (52,610 ha) of land; avoiding direct impacts to 16,901 acres (6,840 ha) of tortoise habitat on Fort Irwin by designation as conservation areas or off-limits areas from training; eliminating direct impacts of cattle grazing on desert tortoise habitat and permitting its recovery by retiring over 478,379 acres (193,599 ha) of grazing allotments; contribution towards closure and rehabilitation of approximately 2,000 miles of dirt roads and trails to increase the habitat values associated with adjacent DWMA's and critical habitat; placing fencing in critical locations, including along Irwin Road, to reduce fatalities; implementing a translocation program in the training areas to move desert tortoises from harm's way and reduce potential fatalities while bolstering population numbers in adjacent compatible areas; providing education to all military, civilian, and contractor personnel visiting the base. These conservation, compensation and mitigation measures are proposed to offset the effects of the proposed project and aid in the long-term survival and recovery of the species.

The major potential adverse impact to Lane Mountain milk-vetch is the degradation of habitat and potential loss of plants on approximately 6,660 acres (2,695 ha) (or approximately 31%) of known habitat as of this writing for the plant. However, the likely impact to the plant and its habitat based on projected intensity of use of habitat areas for Army training is that approximately 25% of habitat will experience potential losses. Mitigation proposed to address this impact includes preservation of over 4,019 occupied habitat acres (1,626 ha) on Fort Irwin by designating them as conservation areas and the proposed acquisition of approximately 13,000 acres outside of the boundaries of Fort Irwin to place all known Lane Mountain milk-vetch habitat into public ownership. Each conservation area also includes buffer zone where plants may occur but have not yet been detected. In addition, closure and rehabilitation of dirt roads and trails on BLM managed lands as mentioned above, will be focused in the proposed Lane Mountain milk-vetch ACEC on Coolgardie Mesa thereby increasing the habitat values in this area. These proposed conservation, compensation and mitigation measures will work to offset the effects of the proposed project and aid in the long-term conservation and recovery of the species.

The major potential adverse impact to desert cymopterus is the loss of less than 0.3 percent of the known population of plants. Mitigation measures proposed for desert tortoise and Lane Mountain milk-vetch should also aid this species.

5.1.6 Conclusion

Based on the analysis contained in this BA, the Proposed Project is likely to adversely affect the desert tortoise. The potential major adverse impacts to the desert tortoise includes an estimated take of approximately 1,000 animals, including relocated animals; negative affects to approximately 125,246 acres (50,687 ha) of potential largely low-density habitat near the edge of the species range of which 87,300 acres (35,330 ha) is also designated critical habitat; and

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constriction of the population south of Ft. Irwin. The loss and fragmentation this habitat may cause the heightened possibility of additional loss of animals in the fragmented sites at the edge of the species range. Proposed mitigation measures to avoid, lessen, and offset these impacts and impacts to designated critical habitat include, but are not limited to, the enhancement and recovery of the core population northwest of Barstow and populations throughout the proposed Superior-Cronese Lakes, Fremont-Kramer and Ord-Rodman DWMA's by consolidating land ownership by the purchase of over 130,000 acres (52,610 ha) of land; avoiding direct impacts to 16,901 acres (6,840 ha) on Ft. Irwin by designating them as conservation areas or off-limits for training; eliminating direct impacts of grazing on habitat and permitting its recovery by facilitating the retirement of 478,379 acres of grazing allotments through ranch buy-outs; contributing funding and/or labor to the closure of approximately 2,000 miles of dirt roads to increase the habitat values associated with adjacent preserves; placing fencing in critical locations, including along Irwin Road, to reduce fatalities; implementing a translocation program in the training areas; providing education to all military, civilian, and contractor personnel visiting the base. These conservation, compensation, and mitigation measures are proposed to offset the effects of the Proposed Project and aid in the survival and long-term recovery of the species.