

DESERT TORTOISE COUNCIL

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11 October 2013

Via email only

Mr. Paul Schlafly, Natural Resource Specialist
Bureau of Indian Affairs, Southern Paiute Agency
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P.O. Box 720
St. George, Utah 84770
paul.schlaflly@bia.gov

Ms. Amy Heuslein
Regional Environmental Protection Officer
BIA Western Regional Office
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amy.heuslein@bia.gov

RE: Moapa Solar Energy Center, Environmental Impact Statement

Dear Mr. Schlafly, Ms. Heuslein,

The Desert Tortoise Council (Council) is a private, non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of this species. Established in 1976 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council regularly provides information to individuals, organizations and regulatory agencies on matters potentially affecting the desert tortoise within its historical range.

The Council appreciates this opportunity to comment on the Draft Environmental Impact Statement (DEIS) and supporting documents for the Moapa Solar Energy Center (Project). Whereas our comments should not be construed as endorsement for this project, we believe that useful suggestions follow that would predictably alleviate impacts to desert tortoises, their habitats, and other biological resources should the pertinent regulatory agencies grant the project proponent authorization to proceed with Project development.

Impacts Associated with Translocating Tortoises

We understand from various documents that, *within the project footprint*, this project may directly impact up to 34 adult tortoises, 178 juvenile tortoises, and 357 eggs based on calculations using U.S. Fish and Wildlife (USFWS) formulas and cited documents within the primary facility, and associated transmission lines, access road, and water pipeline. Unfortunately, the DEIS only vaguely refers to translocating tortoises onto other Reservation lands or lands managed by the Bureau of Land Management (BLM) without providing any specific locations, field studies, or data describing tortoise occurrence on those lands.

Translocating 34 adult and 178 juvenile tortoises into other areas is only part of the impact; how many acres of occupied habitats and how many resident tortoises will be affected on the lands where translocated tortoises would be introduced? The DEIS is deficient in providing this information.

The DEIS indicates that all other potential facility locations on the Reservation either have too many tortoises or other conflicting issues, so there appear to be no low density areas into which these translocated tortoises may be placed. If that is so, where are the potential BLM lands on which these tortoises could be translocated? We feel that the full impacts of this proposed project cannot be fully assessed until the recipient tortoise population and habitats have been surveyed and included in the impacts assessment. It is not sufficient to say this will be done later; the impact must be disclosed and assessed before the project can proceed.

Alternatives That May Minimize Impacts

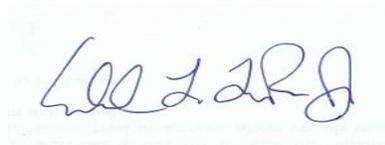
We see in various figures and maps that the proposed access road would take the shortest route to nearby Las Vegas Boulevard and/or Interstate 15. Is there any opportunity to co-locate one or both of the proposed transmission lines along this access road, and then follow the main transportation corridors? There are many documents reporting lower levels of tortoises alongside well-travelled roads such as these, and situating the transmission line(s) along the access road would concentrate direct impacts to a smaller area and predictably have fewer adverse effects to both tortoises and habitats. Similarly, we note in Figure 2 of Appendix M that the proposed water pipeline alignment is situated alongside a dirt road. Is it possible to relocate the pipeline to either within this road or on contiguous lands devoid of vegetation?

Minimization of Common Raven Impacts

Has the proponent considered providing funds to the National Fish and Wildlife Foundation to implement regional management actions controlling common raven populations? We are not sure if this program is available in Nevada, but it is being implemented throughout California Deserts as mitigation for projects that may subsidize ravens, and may provide another opportunity for the proponent to mitigate impacts.

Again, thank you for this opportunity to comment. We see in Section 6.3.2. that the Council is already on your list of Non-Governmental Organizations to which you provide opportunities for comment. We look forward to any other materials you may have for our review.

Regards,

A handwritten signature in blue ink, appearing to read "Ed LaRue", is written over a light blue rectangular background.

Edward L., LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Council, Chairperson