

DESERT TORTOISE COUNCIL

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CERTIFIED MAIL

November 12, 2019

Anthony (Scott) Feldhausen, District
Manager
Gila District Office
Bureau of Land Management
3201 East Universal Way
Tucson, AZ 85756

William Mack, Jr., District Manager
Colorado River District
Bureau of Land Management
1785 Kiowa Ave
Lake Havasu City, AZ 86403

Leon Thomas, District Manager
Phoenix District Office
Bureau of Land Management
21605 North 7th Avenue
Phoenix, AZ 85027-2929

Michael Herder, District Manager
Arizona Strip District
Bureau of Land Management
345 East Riverside Drive
St. George, UT 84790-6714

RE: Reiteration of the Desert Tortoise Council's Previous Requests as An Affected Interest for
Notification of Bureau of Land Management Proposed Actions Affecting the Desert
Tortoises or Habitats

Dear Mr. Feldhausen, Mr. Thomas, Mr. Mack, and Mr. Herder:

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons throughout the United States and other countries. Council members share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of the three species of desert tortoises. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

The Council has submitted written comments on numerous proposed actions by the Bureau of Land Management (BLM) within the range of two species of desert tortoises (i.e., *Gopherus agassizii* synonymous with "Mojave desert tortoise" and *Gopherus morafkai* synonymous with Sonoran desert tortoise).

In the last few years, the Council provided written comments on numerous BLM proposed actions in the range of the Mojave and Sonoran desert tortoises. Some of these proposed actions in Arizona are listed below:

In 2019:

- 2019/8/16 - Environmental Assessment (DOI-BLM-UT-C030-2017-0063-EA) for Rocky Mountain Power Powerline Upgrade Project and City of St. George Waterline Development Project Red Cliffs National Conservation Area

In 2018:

- 2018/11/29 - Ten West Link Draft Environmental Impact Statement (DEIS) and Draft Resource Management Plan Amendments (DEIS) (DOI-BLM-AZ-C020-2016-0010-EIS)
- 2018/5/08 - Draft Buckeye Hills Travel Management Plan, Pinal and Maricopa Counties, Arizona
- 2018/3/07 - Scoping Comments for the Lower Colorado River Travel Management Plan 03/07/18
- 2018/2/13 - Environmental Assessment (EA) for the Lower Centennial Complex

In 2016:

- 2016/2/12 - Pakoon Springs Public Use Environmental Assessment (DOI-BLM-AZ-A030-2016-0004-EA)
- 2016/9/22 - Pakoon Springs Public Use Environmental Assessment (DOI-BLM-AZ-A030-2016-0004-EA)

In each comment letter to the BLM, the Council asked “that the Desert Tortoise Council be identified as an Affected Interest for this and all other BLM projects that may affect species of desert tortoises, and that any subsequent environmental documentation for this Project is provided to us at the contact information listed above.” The contact information is contained in the letterhead of these comment letters, eac@deserttortoise.org.

The Council believes this language was clear to the BLM and that the Council as an Affected Interest was to be notified of BLM proposed actions that may affect species of desert tortoises. However, the Council did not learn about any of these proposed actions from the BLM, but from several third parties. Given the numerous requests the Council has submitted to project officials at BLM field offices in Arizona in the last few years to be identified as an Affected Interest, we are puzzled as to why we did not (and do not) receive notification from the Gila District Office, the Phoenix District Office, Colorado River District Office, Arizona Strip District Office or any of the field offices within these Districts of any proposed actions on BLM lands in Arizona. Consequently, we are elevating our request to you as the District Managers in Arizona.

Our request for the BLM to notify the Council of these proposed actions is based on federal regulations and BLM’s handbook. According to 40 CFR 1500.2, “federal agencies shall to the fullest extent possible encourage and facilitate public involvement in decisions which affect the quality of the human environment.” This public involvement is further discussed in 40 CFR 1506.6, which says, “Agencies shall make diligent efforts to involve the public in preparing and

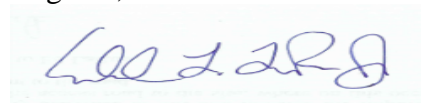
implementing their National Environmental Policy Act (NEPA) procedures. The agency should request comments from the public and should *affirmatively solicit comments* [emphasis added] from those persons or organizations who may be interested or affected.”

The BLM NEPA Handbook states, “A primary goal of public involvement is to ensure that all interested and affected parties are aware of your proposed action. Knowing your community well is the first step in determining the interested and affected parties and tribes. You may already have a core list of those interested in and potentially affected by the BLM's proposed actions; this may provide a good starting point” (section 6.9.1). The Handbook also states under Environmental Assessments “The EA must list tribes, individuals, organizations, and agencies consulted (40 CFR 1508.9(b))” (section 8.3.7).

We urge the BLM to comply with these directives. With this letter, the Council requests that you ensure that the BLM notifies the Council in a timely manner (e.g., prior to the first day of the public comment period) of any proposed action in the Gila District, Phoenix District, Colorado River District, or Arizona Strip District that may affect the Mojave desert tortoise, Sonoran desert tortoise or their habitats. This includes any action that may affect, either directly or indirectly, these species. If the BLM is unwilling or unable to do this, we request that it provide a written response to the Council explaining why it is unable to honor this request to comply with federal regulations and the BLM NEPA Handbook.

Should you have any questions regarding this request, please contact me at the contact information on the Council's letterhead above.

Regards,



Edward L. LaRue, Jr., M.S.

Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

cc: Jayme Lopez, Field Manager – Tucson Field Office
Ed Kender, Field Manager – Lower Sonoran Field Office
Angie Meece, Acting Field Manager – Hassayampa Field Office
Amanda Dodson, Field Manager – Kingman Field Office
Aron King, Field Manager – Yuma Field Office
Jason West, Field Manager – Lake Havasu Field Office
Lorraine Christian, Field Manager – Arizona Strip Field Office
Mark Wimmer, Manager – Grand Canyon-Parashant National Monument

Literature Cited

Bureau of Land Management. 2008. National Environmental Policy Act Handbook. Handbook H-1790-1. January 2008.
https://www.blm.gov/sites/blm.gov/files/uploads/Media_Library_BLM_Policy_Handbook_h1790-1.pdf