

DESERT TORTOISE COUNCIL

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Via email and BLM NEPA eplanning

26 July 2022

Bureau of Land Management
Lake Havasu Field Office
1785 Kiowa Avenue
Lake Havasu City, AZ 86403
Attn: Eric Duarte, BWC and Bishop Permit Renewals
eduarte@blm.gov

RE: Draft Environmental Assessment for Grazing Permit Renewals for the Bill Williams Complex and Bishop Allotments, Mohave County, Arizona - DOI-BLM-AZ-C030-2021-0041-EA

Dear Mr. Duarte,

The Desert Tortoise Council (Council) is a 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 desert tortoise species. 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.

As of June 2022, our mailing address has changed to:
Desert Tortoise Council
3807 Sierra Highway #6-4514
Acton, CA 93510.

Our email address has not changed. Both addresses are provided above in our letterhead for your use when providing future correspondence to us.

We appreciate this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in habitats likely occupied by Sonoran desert tortoise (*Gopherus morafkai*) (synonymous with Morafka's desert tortoise), our comments pertain to enhancing protection of this species during activities funded, authorized, or carried out by the Bureau of Land Management (BLM), which we assume will be added to the Decision Record for this project as needed. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed project.

On the BLM's NEPA eplanning website for this project, BLM listed correspondence that it produced prior to announcing the availability of the subject EA, specifically a scoping letter that was sent to interested publics on April 10, 2022, and Preliminary Rangeland Health Assessment (RHA) in August 23, 2021 and initiation of scoping for RHA on July 13, 2021. The Council does not have a record of receiving these correspondences. Please note that on November 12, 2019, we sent a certified letter to the District Manager of the Lower Colorado River District requesting that we be notified of any proposed action that may affect desert tortoises. We have enclosed a copy of that letter for your information and future use. We did receive and thank you for the notification of the availability of the subject EA.

Proposed Action

The purpose of this action is to respond to applications for renewal of livestock grazing permits.

Description of the Allotments

The Crossman Peak, Planet, Primrose, and Alamo Crossing allotments (collectively known as the Bill Williams Complex) are located in the BLM Colorado River District's (CRD) Lake Havasu Field Office's jurisdiction, generally along the Bill Williams River between Lake Havasu City and Lake Alamo within Mohave County, Arizona. Within these four allotments, elevations range from about 1,100 feet on the valley floors to 5,100 feet on Crossman Peak in the Crossman Peak Allotment. The CRD's Yuma Field Office oversees the management of the Bishop Allotment within La Paz County and directly east of the Cibola National Wildlife Refuge (NWR). Elevations range from 250 feet to 800 feet.

Alternatives Analyzed

BLM has proposed five alternatives, the No Action Alternative, the Proposed Action alternative, the No Grazing alternative, the Reduced Grazing Alternative 1, and the Reduced Grazing Alternative 2.

For the No Action Alternative, BLM would renew the Crossman Peak, Alamo Crossing, and Bishop allotment grazing permits for a period of 10 years with the same terms and conditions – year-round ephemeral grazing for cattle at the Crossman Peak, Planet, Primrose, and Alamo Crossing allotments and year-round perennial grazing at the Bishop allotment for 50 cattle and 508 animal unit months (AUMs).

For the Proposed Action Alternative, BLM would change the Bishop allotment from an active perennial allotment to an ephemeral use allotment. For all allotments, no more than 50 percent

of available ephemeral forage may be grazed and ephemeral grazing may only be authorized when seeds are present on ephemeral forage species. Grazing would be permitted for 10 years.

For the No Grazing Alternative, livestock grazing would not be authorized on public lands within the allotments for Crossman Peak, Planet, Primrose, Alamo Crossing, and Bishop for a term of 10 years. After 10 years, BLM would re-evaluate livestock grazing for approval of applications for grazing preferences.

For the Reduced Grazing Alternative 1, grazing would be the same as the Proposed Action, except grazing permits for the vacant Planet and Primrose allotments would not be offered for a term of 10 years. Grazing in the Crossman Peak, Alamo Crossing, and Bishop allotments would be authorized. Upon expiration of the 10-year period, BLM would re-evaluate livestock grazing for approval of applications for grazing permits.

For the Reduced Grazing Alternative 2, grazing would be the same as the Proposed Action, except grazing permits for Crossman Peak, Planet, Primrose, and Alamo Crossing allotments would not be offered for a term of 10 years. Grazing in the Bishop Allotment would be authorized. Upon expiration of the 10-year period, BLM would re-evaluate livestock grazing for approval of applications for grazing permits.

We believe the range of alternatives presented is sufficiently broad and complies with section 102(2)E) of the National Environmental Policy Act (NEPA) and BLM's Handbook on NEPA (BLM 2008a). The BLM NEPA Handbook directs BLM to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources...". We thank BLM for providing an alternative that considers the needs of successfully managing for wildlife species including the tortoise in the project area especially with the growing severity of climate change.

The Council strongly supports the No Grazing Alternative. We believe this is the only reasonable alternative when the scientific data on climate change and BLM's mandates are fully considered. For example, we request that BLM demonstrate in the EA using scientific data and models that the Proposed Action Alternative would comply with BLM's policy on special status species - Handbook 6840 Special Status Species Management (BLM 2008b). The Sonoran desert tortoise is a BLM special status species (BLM 2017). The first objective of BLM's special status species policy is to "conserve and/or recover ESA-listed species and the ecosystems on which they depend so that ESA protections are no longer needed for these species." At the BLM state level, BLM is responsible for:

- "Inventorying BLM lands to determine...the condition of the populations [of special status species] and their habitats, and how discretionary BLM actions affect those species and their habitats."

At the district and field office levels, BLM is responsible for:

- "Implementing conservation strategies for BLM special status species as contained in approved recovery plans, cooperative agreements, and other instruments the BLM has cooperatively participated in the development of."

- “Coordinating field office activities with Federal, State, and local groups to ensure the most effective program for BLM special status species.”
- “Ensuring that land use and implementation plans fully address appropriate conservation of BLM special status species.”
- “Ensuring that land use and implementation plans fully address appropriate conservation of BLM special status species.”
- “Monitoring populations of Bureau special status species to determine whether management objectives are being met. Records of monitoring activities are to be maintained and used to evaluate progress relative to such objectives. Monitoring shall be conducted consistent with the principles of adaptive management as defined in Department of the Interior policy, as appropriate.”

We request that this information be added to the EA with respect to the tortoise so BLM demonstrates it is complying with this policy.

Rubke and O’Donnell (2021) reported on the results of Sonoran desert tortoise surveys for four long-term study plots in Arizona. Their results indicate that tortoise abundance and densities at these four plots have, over time, remained the same at two plots and decreased at two plots. Population viability modelling by McGowan et al. (2017) predicted a steady decline in Sonoran desert tortoise population size over time. They did not model the increasing loss of Sonoran Desert vegetation to wildfires or increasing drought and reduced soil moisture from climate change. They did say that drought effects were the primary limiting factor to survival and population viability of the tortoise. Hundreds of thousands of acres in the Sonoran Desert in Arizona have been destroyed by wildfires in the last few years with 70,000 acres destroyed in the Lower Sonoran Desert in southwestern Arizona in 2005 alone (Gray et al, 2014). These fires likely killed or injured many of the tortoises in their paths. We are interested in viewing BLM’s data that support the statement on page 43 of the EA that “Morafka’s desert tortoise populations appear to be stable in Arizona.” We request that BLM provide the data in the EA to support this statement.

Rangeland Health for Livestock and Ecosystem Health for Native Wildlife

To assess rangeland health, on page 12 of the EA, BLM says “The production and growth potential of these and other annual plants are assessed prior to ephemeral authorizations according to the guidance set forth in BLM Instruction Memorandum No. AZ-94-018 Ephemeral Grazing Authorizations, the RMP, and the Candidate Conservation Agreement for the Sonoran Desert tortoise in Arizona (CCA) (USFWS et al. 2015). This guidance takes wildlife into consideration to limit potential impacts livestock grazing may have on habitat and forage requirements of various wildlife, including Sonoran Desert tortoise and bighorn sheep.” We note that the BLM AZ-94-018 was issued prior to the BLM (2001) H-4180-1 - Rangeland Health Standards.

In the CCA, BLM commits to review and modify livestock grazing permits and to ensure adequate cover and forage for the Sonoran desert tortoise are maintained or improved. However, we found no description of how BLM would do this. In the Rangeland Health Assessment Evaluation (Appendix H), BLM says for the allotments in the EA, the, “most recent land health assessment was completed in 2008 using different parameters than current efforts.” “Monitoring the current state of the habitat will establish the baseline needed to set goals for future wildlife habitat.” From this information, we presume that BLM currently does not have data to ensure that adequate cover

of both quantity and quality of forage for the Sonoran desert tortoise is maintained or improved. We hope that BLM conducts the next Rangeland Health Evaluation much sooner than the last period which was 13 years (2008 to 2021) to determine whether adequate cover and forage for the Sonoran desert tortoise are maintained or improved in these allotments.

Best Management Practices

Given BLM's policies/commitments to manage for the Sonoran desert tortoise/tortoise habitat, if BLM authorizes the Proposed Action alternative or other grazing alternative, Best Management Practices (BMPs) and Mitigation should be included. BMPs should include monitoring that is part of a science-based statistically robust management plan with quantifiable requirements and standards that must be met to comply with the issued grazing permit. Failure to meet requirements and standards should have penalties and required corrective actions = adaptive management. We request that BLM revise the EA to include a science-based management plan for livestock and tortoises with appropriate BMPs, quantifiable requirements and standards, and penalties and corrective actions.

In addition to managing for the tortoise, we assert the Permittees should be required to mitigate for the impacts to the human environment that livestock grazing causes including contributing to climate change and impacts to soils, soil crusts, and native vegetation. These mitigation measures should be part of the project description. Please see sections on **Climate Change, Greenhouse Gas Emissions, and Vegetation** and **Mitigation** below.

Ephemeral Grazing

On page 12 of the EA, BLM says, "The production and growth potential of these and other annual plants are assessed prior to ephemeral authorizations according to the guidance set forth in BLM Instruction Memorandum No. AZ-94-018 Ephemeral Grazing Authorizations, the RMP, and the Candidate Conservation Agreement for the Sonoran Desert Tortoise in Arizona. This guidance takes wildlife into consideration to limit potential impacts livestock grazing may have on habitat and forage requirements of various wildlife, including Sonoran Desert tortoise and bighorn sheep."

We were unable to locate BLM Instruction Memorandum No. AZ-94-018 Ephemeral Grazing Authorizations online. The Instructional Memorandums (IMs) that BLM provides on its website only go back to 2003. This Arizona IM appears to be from 1994. We are concerned that if this IM was issued in 1994, it is unlikely that it considered the needs of the Sonoran desert tortoise for both forage quality and quantity and for adequate cover from temperature extremes and predators. In addition, it likely did not consider climate change and its impacts on temperature, precipitation, soils, soil moisture, and vegetation growth and survival for these allotments. We request that BLM provide a copy of BLM Instruction Memorandum No. AZ-94-018 Ephemeral Grazing Authorizations so the public may have this information when reviewing the EA.

BLM provided a copy of the 1968 Special Ephemeral Rule for Livestock Grazing Ephemeral Range: Arizona, California and Nevada (43 Code of Federal Regulations 4115.2) in the EA and a summary in Appendix H: Rangeland Health Assessment Evaluation. After reviewing this rule, it appears that it gives BLM the authority to authorize grazing "whenever forage exists or climatic conditions indicate the probability of an ephemeral forage crop." "Grazing capacity... may be based on a reasonable potential for forage."

We have serious concerns about the application of this rule to the Crossman Peak, Planet, Primrose, Alamo Crossing, and Bishop allotments in the Lower Colorado District of BLM. We found no references in the EA that BLM will use science to determine the actual forage available. Rather, the probability of reasonable potential appears to be all that is needed. Given the uncertainty of precipitation, soil moisture, native seedbank supplies as the southwestern United States is experiencing a megadrought (please see **Climate Change, Greenhouse Gas Emissions, and Vegetation** below). In addition, there is no requirement that the nutritional needs of native wildlife, including the Sonoran desert tortoise would be included in the calculations to determine the appropriate forage allocations so that wildlife species would continue to survive and persist.

Using Science to Make Decisions: BLM uses a methodology to quickly determine rangeland health for livestock grazing management. It was not developed to determine ecosystem health for native flora and fauna. For the five allotments described in the EA, BLM identified 29 ecological site descriptions in the four allotments that comprise the Bill Williams Complex (Appendix H, page 70) and 9 ecological site descriptions in the Bishop Allotment (Appendix H, page 73). However, according to Appendix H, nine non-riparian key sites or evaluation sites were established in the Bill Williams Complex of allotments and six key sites in the Bishop Allotment. From the limited information provided by BLM in the EA on the application the Arizona Rangeland Standards to these allotments, the small sample size and non-random site selection do not appear to meet the scientific rigor to ensure unbiased and well-controlled experimental design, methodology, analysis, interpretation, and reporting of accurate results that represent the ecological variation within and among the allotments. Consequently, we question the applicability of the results to native wildlife species and the ability of these data to determine whether BLM is adequately managing for wildlife and its habitat needs, especially for the Sonoran desert tortoise.

Climate Change, Greenhouse Gas Emissions, and Vegetation

We have been experiencing a megadrought since 2000 in the southwestern United States (Stahle 2020, Williams et al. 2022), the worst long-term drought in more than 1200 years. Also documented has been a strong decline in vegetation cover, with the drier locations showing the strongest decline (Hantson et al. 2021). Dryland ecosystems may be more susceptible to changing climate than previously thought (Hantson et al. 2021). As noted by Archer and Predick (2008), vegetation in arid lands that live near their physiological limits are experiencing additional stressors from climate change.

Livestock production is a major producer of greenhouse gas (GHG) emissions and a significant contributor to climate change (IPCC 1990, Dijkstra et al. 2011, McGregor et al. 2021). The livestock sector is responsible for 18% of global anthropogenic greenhouse gas emissions, with enteric CH₄ of livestock being 25% of the livestock related greenhouse gases (Dijkstra et al. 2011). It appears that authorization of any grazing would result in greenhouse gas emissions. Please explain in the EA how an alternative that would authorize grazing, which would be approved by the federal government and occur on public land, complies with the President's Executive Order 14008 on "Tackling the Climate Crisis at Home and Abroad" (e.g., section 204, etc.).

Kauffman et al. (2022) recently reported livestock grazed on public lands "influence climate change in three profound ways: (1) they are significant sources of greenhouse gases through enteric

fermentation and manure deposition; (2) they defoliate native plants, trample vegetation and soils, and accelerate the spread of exotic species resulting in a shift in landscape function from carbon sinks to sources of greenhouse gases; and (3) they exacerbate the effects of climate change on ecosystems by creating warmer and drier conditions.” They calculated part of the social cost of livestock grazing and it far exceeded the grazing fees charged on public lands. They concluded that “[c]essation of grazing would decrease greenhouse gas emissions, improve soil and water resources, and would enhance/sustain native species biodiversity thus representing an important and cost-effective adaptive approach to climate change” (Kauffman et al. 2022).

Removing or reducing livestock across large areas of public land would alleviate a widely recognized and long-term stressor and make these lands less susceptible to the effects of climate change (Beschta et al. 2013). Where livestock use continues, or where significant densities of wild or feral ungulates occur, management should carefully document the ecological, social, and economic consequences (both costs and benefits) to better ensure management that minimizes ungulate impacts to plant and animal communities, soils, and water resources (Beschta et al. 2013).

We request that the EA analyze the effects of the grazing alternatives on climate change. This analysis should include effects to habitats within the action area that may provide refugia for tortoise populations; how the grazing alternatives would affect the spread and proliferation of nonnative invasive plant species, both existing and new; how this spread/proliferation would affect the Sonoran desert tortoise and its habitats (including its nutrition and the frequency, size, and intensity of fires); and how the grazing alternatives may affect the likelihood of fires. We reiterate that if BLM uses science to form their decision, BLM would select the No Grazing alternative as the costs of grazing on public lands far outweigh the benefits to the human environment.

Mitigation

If BLM authorizes grazing in any of these five allotments, we strongly urge the BLM and the permittees to fully mitigate for the direct and indirect impacts. Such mitigation would include developing and implementing a science-based management and monitoring plan using this analysis and other relevant data that would reduce the transport to and spread of nonnative seeds and other plant propagules within the allotments and eliminate/reduce the likelihood of fires. The plan should integrate vegetation management with fire management and fire response.

For all range improvements, including, but not limited to, wells, retention reservoirs, troughs, detention reservoirs, pipelines, and cattle guards, please ensure they are designed and maintained so tortoises of any size do not become trapped, overturned, or blocked from moving within their home ranges.

For contributing to climate change, BLM should require mitigation for grazing. The ongoing megadrought in the southwestern United States should indicate to BLM that GHG emissions need to be reduced substantially. One way to sequester GHG emissions is to produce more native plants. We suggest revegetating burned areas with plant species that provide nutritional forage for tortoises and other special status species and sequester GHGs. This would help to offset the loss of vegetation from grazing that otherwise would be sequestering GHG emissions. In addition, because livestock operations contribute to GHG emissions, the permittee should be required to mitigate for these emissions. Mitigation could include successfully revegetating degraded areas on

BLM land with native plant species that would sequester GHG emissions among other mitigation measures. Unfortunately, implementation of these actions may only partially mitigate for the impacts to climate change from the livestock grazing. Thus, BLM may not be in compliance with Executive Order 14008 “to deploy the full capacity of” BLM “to implement a Governmentwide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity.”

Cumulative Effects Analysis

The EA includes a chapter on Cumulative Effects Analysis. However, we note that developments in/near the allotment boundaries (e.g., Sunbelt Development and I-40 interchange) were not included in the list of foreseeable future actions. Please ensure this list is complete.

In addition, we were unable to find an analysis (emphasis added) of cumulative impacts to special status species such as the Sonoran desert tortoise in the EA and other resource issues that affect the tortoise’s habitat such as soils and vegetation. Rather, we found sentences with conclusions. We request that these conclusions be preceded by data on each resource issue that includes the current status of the resource and how the approved action would affect the status of this resource. For example, the current status of soils may be that they are highly compacted and further grazing by livestock or burros would not change this status appreciably. Although the change would not be appreciable, any change to the status would be considered significant because of the current poor condition of the soil.

We found no analysis of climate change and its impacts on wildlife species including the desert tortoises. For BLM to analyze cumulative impacts to desert tortoises and other special status species, it must have a baseline of what their current status and trend is. We did not find this in the Affected Environment section of the EA. Once the baseline status and trend are presented, cumulative impacts analysis in the EA should follow the Council on Environmental Quality (CEQ) (1997) guidance to federal agencies on how to analyze cumulative environmental consequences. The BLM National Environmental Policy Act Handbook – H-1790-1 (BLM 2008a) has adopted this guidance. This guidance contains eight principles listed below to help federal agencies conduct an appropriate cumulative impacts analysis of their alternatives:

In the cumulative effects analysis of the EA, please ensure that the CEQ’s “Considering Cumulative Effects under the National Environmental Policy Act” (1997) is followed, including the eight principles (reiterated below), when analyzing cumulative effects of the proposed action to the tortoise and its habitats. CEQ states, “Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern. The range of actions that must be considered includes not only the project proposal but all connected and similar actions that could contribute to cumulative effects.” The analysis “must describe the response of the resource to this environmental change.” Cumulative impact analysis should “address the sustainability of resources, ecosystems, and human communities.” CEQ’s guidance on how to analyze cumulative environmental consequences contains eight principles listed below:

- 1. Cumulative effects are caused by the aggregate of past, present, and reasonable future actions.** The effects of a proposed action on a given resource, ecosystem, and human

community, include the present and future effects added to the effects that have taken place in the past. Such cumulative effects must also be added to the effects (past, present, and future) caused by all other actions that affect the same resource.

- 2. Cumulative effects are the total effect, including both direct and indirect effects, on a given resource, ecosystem, and human community of all actions taken, no matter who (federal, non-federal, or private) has taken the actions.** Individual effects from disparate activities may add up or interact to cause additional effects not apparent when looking at the individual effect at one time. The additional effects contributed by actions unrelated to the proposed action must be included in the analysis of cumulative effects.
- 3. Cumulative effects need to be analyzed in terms of the specific resource, ecosystem, and human community being affected.** Environmental effects are often evaluated from the perspective of the proposed action. Analyzing cumulative effects requires focusing on the resources, ecosystem, and human community that may be affected and developing an adequate understanding of how the resources are susceptible to effects.
- 4. It is not practical to analyze the cumulative effects of an action on the universe; the list of environmental effects must focus on those that are truly meaningful.** For cumulative effects analysis to help the decision maker and inform interested parties, it must be limited through scoping to effects that can be evaluated meaningfully. The boundaries for evaluating cumulative effects should be expanded to the point at which the resource is no longer affected significantly or the effects are no longer of interest to the affected parties.
- 5. Cumulative effects on a given resource, ecosystem, and human community are rarely aligned with political or administrative boundaries.** Resources are typically demarcated according to agency responsibilities, county lines, grazing allotments, or other administrative boundaries. Because natural and sociocultural resources are not usually so aligned, each political entity actually manages only a piece of the affected resource or ecosystem. Cumulative effects analysis on natural systems must use natural ecological boundaries and analysis of human communities must use actual sociocultural boundaries to ensure including all effects.
- 6. Cumulative effects may result from the accumulation of similar effects or the synergistic interaction of different effects.** Repeated actions may cause effects to build up through simple addition (more and more of the same type of effect), and the same or different actions may produce effects that interact to produce cumulative effects greater than the sum of the effects.
- 7. Cumulative effects may last for many years beyond the life of the action that caused the effects.** Some actions cause damage lasting far longer than the life of the action itself (e.g., acid mine damage, radioactive waste contamination, species extinctions). Cumulative effects analysis needs to apply the best science and forecasting techniques to assess potential catastrophic consequences in the future.

8. Each affected resource, ecosystem, and human community must be analyzed in terms of its capacity to accommodate additional effects, based on its own time and space parameters. Analysts tend to think in terms of how the resource, ecosystem, and human community will be modified given the action's development needs. The most effective cumulative effects analysis focuses on what is needed to ensure long-term productivity or sustainability of the resource.

Principles 5 through 8 are especially relevant to the tortoise given its slow growth, 12 to 20 years to reach sexual maturity, and the slow growth of desert vegetation.

We request that the EA include a cumulative impacts analysis on the Sonoran desert tortoise and its habitat.

We appreciate this opportunity to provide input and trust that our comments will help protect tortoises during any authorized project activities. Herein, we ask 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 particular action is provided to us at the contact information listed above.

Regards,



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

Attachment: Certified letter to District Manager, Bureau of Land Management, Lower Colorado River District

Literature Cited

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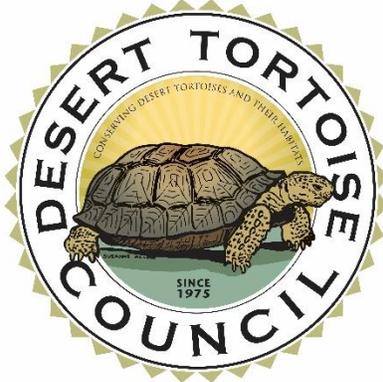
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CERTIFIED MAIL

November 12, 2019

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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.
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