



DESERT TORTOISE COUNCIL

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Via email only

27 July 2022

Attn: Angelica Rose, Paul Misiasek
Bureau of Land Management, Kingman Havasu Field Office
2755 Mission Boulevard, Kingman, Arizona 86401
adrose@blm.gov, pmisiasz@blm.gov

RE: Burro Creek Exploration Project (DOI-BLM-AZ-C010-2022-0015-EA)

Dear Ms. Rose, Mr. Misiasek,

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.

Note that 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, and that Field Manager, Amanda Dodson provided the news release in an email to the Council on 27 June 2022. Given the location of the proposed project near the Black Mountains, the site and surrounding area could be occupied by Mojave desert tortoise (*Gopherus agassizii*) (synonymous with Agassiz's desert tortoise) and/or Sonoran desert tortoise (*Gopherus morafkai*) (synonymous with Morafka's desert tortoise). Although only the population of Mojave desert tortoise located west of the Colorado River is currently listed as Threatened (USFWS 1990), given the ubiquitous declines in the species throughout most of its range, it is appropriate that all individual Mojave desert tortoises be protected.

The Mojave desert tortoise is among the top 50 species on the list of the world's most endangered tortoises and freshwater turtles. The International Union for Conservation of Nature's (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers the Mojave desert tortoise to be Critically Endangered (Berry et al. 2021), as it is a "species that possess an extremely high risk of extinction as a result of rapid population declines of 80 to more than 90 percent over the previous 10 years (or three generations), population size fewer than 50 individuals, other factors." It is one of three turtle and tortoise species in the United States to be critically endangered. This status, in part, prompted the Council to join Defenders of Wildlife and Desert Tortoise Preserve Committee (Desert Tortoise Council 2020) to petition the California Fish and Game Commission in March 2020 to elevate the listing of the Mojave desert tortoise from threatened to endangered in California.

Our comments pertain to enhancing protection of this species during activities funded, authorized, or carried out by the 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.

The project description provided at the BLM's eplanning website states, "Sitka Gold Corp (Sitka) is proposing the continuation of their existing geologic exploration program near Burro Creek, approximately 13 miles southeast of the town of Wikieup, in Mohave County, Arizona. The program, as proposed, consists of drilling into the subsurface from wooden platforms constructed by hand at each of 14 locations adjacent to Sitka's private land. Wood for the platforms and drilling equipment would be transported to the drill locations via helicopter. All proposed drill locations are located on unpatented mining claims administered by the Bureau of Land Management (BLM), Colorado River District, Kingman Field Office."

Unless otherwise noted, the referenced page numbers given herein are from the environmental assessment (EA) dated June 2022. Page 1 indicates the "[p]rogram, as proposed, consists of drilling into the subsurface from wooden platforms constructed by hand at each of fourteen locations adjacent to Sitka's private land. Wood for the platforms and drilling equipment would be transported to the drill locations via helicopter. All proposed drill locations are located on public land administered by the BLM, Colorado River District, Kingman Field Office. Sitka's underlying need for the proposed exploration is to obtain additional geologic data concerning land adjacent to their private property sufficient to allow identification, confirmation, and characterization of an extension to a mineralized zone that outcrops on their property. This data would be provided by the proposed drilling."

Page 2 indicates, "Activities proposed in the Notice [of Intent] included construction of fourteen drill pads and 2.43 miles of new access roads. All the disturbance is proposed to occur on public land." Page 3 then states, "Sitka is requesting approval for disturbance of 546 non-contiguous square feet (0.01 acre) of public land. The disturbance would occur in discrete areas, each area to measure thirty-nine square feet, or less. The disturbance areas are limited to the footprint of each pier supporting the wooden platform." We assume that the construction of new roads is no longer needed as helicopters will be used to transport drill machinery, which we recognize as a proactive approach to implement proposed activities.

Appendix C to the EA is a Biological Evaluation-Assessment (BEA) for the Burro Creek Mine Exploration Project by Bowers Environmental Consulting, LLC, (BEC) dated July 2020. The available version of the BEA includes comments in the margins attributed to “jacton,” who we assume was a biologist working with BEC (their full name was not divulged). In response to the statement on page 4 of Appendix C that “species-specific surveys are not warranted,” jacton indicated in the sidebar comment that “Tortoise surveys may need to be done. Project is right near CAT II for tortoise habitat. I'd include surveys at each point prior to pad instillation and include tortoise mitigation to educate workers on tortoise and handling if encountered.” We agree with this approach, which does not appear in the EA, and ask that BLM require that these survey and mitigation recommendations be required.

Table 4 on page 19 of Appendix C indicates Sonoran desert tortoise is unlikely to occur, and states: “No effect. There is not habitat for this species in the Analysis Area.” We then see the sidebar comment from jacton that “Project is located in CAT III - which is low quality, and next to CAT II - which is medium quality. I wouldn't say no habitat. I'd say low quality, and include tortoise mitigation.” We find on page 7 of the EA that no Sonoran desert tortoise sign was found (the word, “tortoise,” does not appear a second time in the short EA), but the EA fails to adopt the prudent suggestions by jacton that surveys be performed and measures implemented if tortoises are encountered. Again, we concur with jacton's recommendations and ask that BLM require Sitka to implement them.

Since the EA concludes that desert tortoise sign was not found, no typical protective measure are identified in the EA. We recommend that each drill site be fitted with a temporary 1 x 2 x 36-inch perimeter fence of galvanized hardware cloth (see USFWS 2009) that would preclude tortoises from drilling activities and becoming entrapped in open drill holes. Alternatively, the drill holes would be covered or plugged when personnel are not present, and all personnel would be required to check beneath their vehicles for tortoises to avoid crushing them.

With regards to protective measures, given the cooperative relationship between BLM and other resource agencies, please be sure that Sitka adheres to pertinent recommendations and implements requirements identified in the following documents and agreements:

- Arizona Game and Fish Department. 2010. Desert Tortoise Survey Guidelines for Environmental Consultants.
- Arizona Game and Fish Department. 2014. Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects.
- Arizona Interagency Desert Tortoise Team. 2008. Recommended Standard Mitigation Measures for Projects in Sonoran Desert Tortoise Habitat. June 2008.
- Bureau of Land Management. 2012. Desert Tortoise Mitigation Policy. Instructional Memorandum IM-AZ-2012-031.
- U. S. Fish and Wildlife Service and Cooperating Agencies comprising the Arizona Interagency Desert Tortoise Team. 2015. Candidate Conservation Agreement for the Sonoran Desert Tortoise (*Gopherus morafkai*) in Arizona. Phoenix AZ.

We appreciate this opportunity to provide comments on this project and trust they will help protect tortoises during any resulting authorized activities. Herein, we reiterate that the Desert Tortoise Council wants to be identified as an Affected Interest for this and all other projects funded, authorized, or carried out by the BLM 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. Additionally, we ask that you respond in an email that you have received this comment letter so we can be sure our concerns have been registered with the appropriate personnel and office for this project.

Respectfully,



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

Literature Cited

- [AGFD] Arizona Game and Fish Department. 2010. Desert Tortoise Survey Guidelines for Environmental Consultants.
- [AGFD] Arizona Game and Fish Department. 2014. Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects
- Arizona Interagency Desert Tortoise Team. 2008. Recommended Standard Mitigation Measures for Projects in Sonoran Desert Tortoise Habitat. June 2008.
- Berry, K.H., L.J. Allison, A.M. McLuckie, M. Vaughn, and R.W. Murphy. 2021. *Gopherus agassizii*. The IUCN Red List of Threatened Species 2021: e.T97246272A3150871. <https://dx.doi.org/10.2305/IUCN.UK.2021-2.RLTS.T97246272A3150871.en>
- [BLM] Bureau of Land Management. 2012. Desert Tortoise Mitigation Policy. Instructional Memorandum IM-AZ-2012-031.
- [USFWS] U.S. Fish and Wildlife Service (USFWS). 1990. Endangered and threatened wildlife and plants; determination of threatened status for the Mojave population of the desert tortoise. Federal Register 55(63):12178-12191.
- [USFWS] U.S. Fish and Wildlife Service. 2009. Desert Tortoise (Mojave Population) Field Manual: (*Gopherus agassizii*). Region 8, Sacramento, California.
- [USFWS et al.] U. S. Fish and Wildlife Service and Cooperating Agencies comprising the Arizona Interagency Desert Tortoise Team. 2015. Candidate Conservation Agreement for the Sonoran Desert Tortoise (*Gopherus morafkai*) in Arizona. Phoenix AZ.