



**DESERT TORTOISE COUNCIL**

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**Via email only**

16 September 2021

Mr. Randall Porter, Geologist  
Bureau of Land Management, Ridgecrest Field Office  
300 South Richmond Road  
Ridgecrest, California 93555  
[rporter@blm.gov](mailto:rporter@blm.gov)

RE: Environmental Assessment (DOI-BLM-CA-D050-2021-0031-EA) for Expansion of Plan of Operation (CACA-54447) for the CDM-1 Placer Claim

Dear Mr. Porter,

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.

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

First, thank you for proactively contacting the Council on August 20, 2021 in an email about this project. However, when we tried to access the link that you provided, we received a notice saying, "The specified URL cannot be found." Consequently, we do not know what the deadline for comments is, and trust that this letter is timely enough to be considered by BLM in continuing to plan for this project.



We note that the images of the site shown in Appendix F of the EA depict habitats that would be ideal for occupation by MGS. Although cobbles are present, there are also sandy areas, and the site is not located on steep, rocky hillsides that are not ideal for MGS. Given these observations and our experience with the species, we believe that MGS could be present in the area, and in the absence of protocol surveys, it may be appropriate to seek authorization from California Department of Fish and Wildlife (CDFW). At the very least, CDFW should have an opportunity to review BLM's conclusions, so we have carbon copied the pertinent, local CDFW biologist.

The second bullet on page 16 states, "Employees will receive an education program on the desert tortoise approved by BLM prior to excavation on site. The program will consist of a DVD presented by BLM. The operator is responsible for ensuring that all employees with the appropriate educational material prior to initiating activities on site." We anticipate that there will be one-time visitors to the site who will not be able to view such a video, presumably located in the nearby Ridgecrest BLM office. So, we recommend that a brochure be produced identifying pertinent protective measures so that an onsite program can be available for all visitors. It is also a BLM standard to require annual refresher education courses, administered to both new and experienced mine workers, which should be added to the stipulations.

On page 17, second bullet, we are concerned that the following statement may be misinterpreted, particularly if the access road is not designated by Kern County: "Vehicle speeds shall not exceed 20 miles/hour except on *designated county roads*" (*emphasis added*). We ask that this be changed to "Vehicle speeds shall not exceed 20 miles/hour *on all roads accessing the site.*" In the absence of a biological report, we do not know if the access road and adjacent areas were surveyed for tortoises, but we expect that tortoises occur throughout the area, and that crushing a tortoise along the access road is more likely than at the actual site.

The discussion on page 36 about access routes may be interpreted to allow construction of a brand-new route, which we strongly oppose. It was not clear in the EA from which direction mine personnel will access the site, unless it is along routes EP-15 and EP-478 depicted in Map 2 at the end? We strongly recommend that a single access road be designated, that it be the shortest distance between the site and either Garlock Road to the south or Highway 14 to the west (preferably avoiding Red Rock Canyon State Park), that it be on a well-traveled, existing BLM-designated open route that requires minimal, if any, regular maintenance, and that for the benefit of mine personnel, the speed limit of 20 miles per hour be posted.

With regards to the following stipulation on page 17, "3. Workers and drivers shall have a copy of this contract, including these stipulations, when in operation on or in transit to the contracted site," we ask that the proponent also have a copy of the 2017 programmatic biological opinion for the Desert Renewable Energy Conservation Plan (DRECP) referenced on page 8, and be responsible to implement any additional protective measures in that document's terms and conditions that are not reflected in the BLM's stipulations.

We appreciate this opportunity to provide input and trust that our comments will help protect tortoises and Mohave ground squirrels 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 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.

Regards,



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

Cc. Trisha A. Moyer, CDFW- Desert Inland Region 6, Habitat Conservation Program Supervisor,  
Bishop, CA ([Patricia.Moyer@Wildlife.ca.gov](mailto:Patricia.Moyer@Wildlife.ca.gov))

### **Literature Cited**

Abella S.R. and K.H. Berry. 2016. Enhancing and restoring habitat for the desert tortoise (*Gopherus agassizii*). *Journal of Fish and Wildlife Management* 7(1):xx-xx; e1944-687X. doi: 10.3996/052015-JFWM-046.

California Department of Fish and Game (CDFG). 2003 (revised 2010). Mohave ground squirrel survey guidelines. Unpublished guidelines produced by CDFG (currently CDFW = California Department of Fish and Wildlife). Sacramento, CA.

California Department of Fish and Wildlife (CDFW). 2021. Electronic database of rare plant and animal species reported to The State Resources Agency, Natural Heritage Division, California Natural Diversity Data Base. Updated monthly. Sacramento, CA.