

DESERT TORTOISE COUNCIL

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Via email only

May 8, 2025

Nya Salmon, Realty Specialist
Colleen Cepero-Rios, Planning and Environmental Coordinator
BLM Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130
Email: nsalmon@blm.gov, cceperorios@blm.gov

RE: Carey to Pabco 69kV Transmission Line Rebuild (DOI-BLM-NV-S010-2025-0028-EA)

Dear Ms. Salmon, Ms. Cepero-Rios,

The Desert Tortoise Council (Council) is a non-profit organization comprising 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 northern 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.

Both our physical and email addresses are provided above in our letterhead for your use when providing future correspondence to us. When given a choice, we prefer to receive emails for future correspondence, as mail delivered via the U.S. Postal Service may take several days to be delivered. Email is an "environmentally friendlier way" of receiving correspondence and documents rather than "snail mail."

We appreciate this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in habitats potentially occupied by the Mojave desert tortoise (*Gopherus agassizii*) (synonymous with Agassiz's desert tortoise), our comments include recommendations intended to enhance protection of this species and its habitat during activities that may be authorized by the Bureau of Land Management (BLM), which we recommend be added to project terms and conditions in the authorizing documents [e.g., issuance of right-of-way (ROW) grants, management plan and decision document, etc.] as appropriate. Please accept, carefully review, and include in the relevant project file the Council's following comments for the proposed action.

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), "... based on population reduction (decreasing density), habitat loss of over 80% over three generations (90 years), including past reductions and predicted future declines, as well as the effects of disease (upper respiratory tract disease/mycoplasmosis). *Gopherus agassizii* (sensu stricto) comprises tortoises in the most well-studied 30% of the larger range; this portion of the original range has seen the most human impacts and is where the largest past population losses have been documented. A recent rigorous rangewide population reassessment of *G. agassizii* (sensu stricto) has demonstrated continued adult population and density declines of about 90% over three generations (two in the past and one ongoing) in four of the five *G. agassizii* recovery units and inadequate recruitment with decreasing percentages of juveniles in all five recovery units."

We appreciate that the BLM contacted the Council in an email on 4/15/2025 with an opportunity to provide scoping comments on this project. This enabled Ed LaRue to attend the virtual meeting on 4/22/2025 with only two other members of the public. In any case, we understand that BLM recorded that webinar. LaRue asked eight or ten questions in the Q&A format and herein requests that each of those questions be addressed in the appropriate sections of the draft environmental assessment (DEA). It was revealed during the webinar that the BLM is already drafting a short-term ROW application, which apparently does not have public participation, as the Council was not contacted to participate.

Aside from a map on the BLM's eplanning website (see next page), there is very little available information. The following project description is taken from the eplanning notice: "NV Energy has submitted a right-of-way authorization to the BLM Las Vegas Field Office proposing to rebuild an existing 69-kilovolt (kV) transmission line from the Carey Substation to the Pabco substation that serves the PABCO Gypsum facility. An interconnection request was submitted to NV Energy electrical system for a proposed new solar-generation plant near the PABCO facility. To accommodate the customer's interconnection request, NV Energy would have to reconnector the existing Carey to Pabco line. The existing line is the only source of power to the area; therefore, the line cannot be reconnector while it is energized, and NV Energy cannot allow an extended outage of this line for reconnectoring. Consequently, NV Energy proposes to build a new line parallel and adjacent to the existing line and remove the old line once construction is complete and the new line is in service. The proposed project would rebuild approximately 6.7-mile single circuit 69kV line, with a 12.5kV double circuit under build on approximately 0.25 miles. The proposed project area includes approximately 101.3 acres of federal public lands in Clark County, Nevada."

Information not included above that was provided during the webinar included: (1) It will take the proponent six to eight months to install the new line; (2) gates will be placed at each end of the ROW so that use will be restricted to the proponents and affiliated personnel and not to the general public; (3) both the existing and the proposed new lines will be contained within the 100-foot wide ROW; (4) development will be governed by management stipulations given in the BLM's 1998 Las Vegas Southern Nevada Field Office Resource Management Plan; (5) both cultural and biological studies have been performed but the BLM was unwilling to share them with webinar participants; and, (6) *but for* a new solar facility on private lands, there is no need for the project.

(2) “Gates will be placed at each end of the ROW so that use will be restricted to the proponents and affiliated personnel and not to the general public.” First, please confirm that this statement is true. Second, please confirm whether these gates will be in place for the construction phase, the operations and maintenance phase, or both. We recommend that gates be installed and maintained for both phases. Given that the existing and proposed lines occur over a 10.5-mile length, we assume that there are likely roads that intersect the ROW from the north and south. Will these roads also be gated? Will there be signs that indicate the ROW is off limits to public use? We recommend that 15 mile per hour speed limit and tortoise crossing signs be positioned at regular intervals along the ROW to remind authorized users of the possible presence of tortoises. Results of the biological studies should be used to identify tortoise hot spots and connectivity areas to position the signs. Please be sure that the biological study is appended to the DEA.

(3) “Both the existing and the proposed new lines will be contained within the 100-foot wide ROW.” In his comments during the webinar, LaRue asked that an alternative be discussed that would utilize the existing infrastructure by disabling it and retrofitting it with updated technology during construction. Rather than install 66 new monopoles and 9 new spur roads resulting in the loss of 101 acres, this alternative should consider some way to use and improve the existing infrastructure. During the webinar, when we asked who was being served by the existing powerline, BLM indicated that it did not know who was being served, but we read in the eplanning notice that the existing line delivers power to the PABCO Gypsum facility. As discussed below, please document the relationships between existing and future users and how these affect the proposed action.

We are very concerned and somewhat confused by the process, timing, and relationships between the BLM and private entities for this project, which we expect will be clarified in the DEA. For example, *but for* this powerline, a new solar facility to be constructed on private lands and served by the powerline cannot be developed. The DEA needs to explain why this powerline is not a part of the proposed solar facility and why both are not being addressed by the BLM as the Federal Lead Agency in consultation with the U.S. Fish and Wildlife Service (USFWS). When asked, BLM did not reveal what the permitting process for the new solar facility would be and how the Council can be involved in commenting on that private solar development. Have tortoise surveys been performed on the proposed solar facility, and if found, will there be consultation under Section 10 of the Federal Endangered Species Act (FESA)? Please answer these questions in the DEA.

We understand from the webinar that approximately 6.1 linear miles of the 10.5-mile ROW are on public lands managed by the BLM. When asked if development fees would be applied to impacts on only the 6.1 linear miles or to the entire 10.5 miles, BLM said it had not determined how the fees would be applied, which should be clarified in the DEA. For example, in the mid-1990s when a 77-mile pipeline was constructed in California it crossed only two linear miles of BLM land but the Section 7 consultation and subsequent biological opinion pertained to the entire 77-mile pipeline length not just the two miles on public lands. The biological opinion required that pipeline installation be monitored for the entire pipeline, BLM required revegetation of both public and private lands, etc. because the entire pipeline had been “federalized.”

(4) “Development will be governed by management stipulations given in the BLM’s 1998 Las Vegas Southern Nevada Field Office Resource Management Plan.” For several years now in our comments to the BLM, the Council has questioned BLM’s reliance on the Las Vegas management plan that is now 27 years old (BLM 1998). To our knowledge, the BLM has not initiated revisions of that plan. Nor has the BLM responded to our persisting concerns that the 27-year old plan does not consider recommendations given in the 2011 Revised Recovery Plan for the Mojave Population of the Desert Tortoise (USFWS 2011), did not foresee the cumulative losses of thousands of acres of tortoise habitats to solar development in southern Nevada or the displacement of thousands of tortoises, or anticipate the precipitous tortoise declines that have been documented since 2000 (Allison and McLuckie 2018, USFWS 2016, 2018, 2019, 2020, 2022a, 2022b). We reiterate herein that, in order to consider the best available scientific data and other updated information, the BLM must revise the 1998 Las Vegas management plan, which the Council considers obsolete for the reasons given above. This project should not be authorized under prescriptions given in the outdated 1998 plan.

(5) Both cultural and biological studies have been performed but the BLM was unwilling to share them with webinar participants. It was revealed in the webinar that both least Bell’s vireo and desert tortoises have been identified within the ROW in biological studies. Please provide these studies as appendices to the DEA.

(6) “*But for* a new solar facility on private lands, there is no need for the transmission project.” As mentioned above under point 3, we are concerned that BLM is proceeding with rebuilding the powerline prior to and separate from development of the solar facility, which presupposes that the solar facility will be developed. What if environmental and/or financial factors preclude the solar facility from being built? In which case, BLM will have contributed resources to an unnecessary powerline resulting in avoidable losses of 100 acres of (presumably) tortoise habitat. It seems to us that the approach to segregating powerline development from solar facility development is “piecemealing” the project, which is prohibited by the National Environmental Policy Act (NEPA), and that as interconnected components of one project, the two should be considered in a common environmental analysis under cumulative impacts.

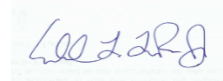
At the very least, we expect the DEA to document the proposed solar development in terms of how many acres will be lost, how many tortoises may be impacted, how that facility will be permitted, mitigation for the tortoise and other special status species that will be implemented during all phases of the solar project, etc. Although the solar project would be on private property, it could not be developed *but for* the BLM’s decision to authorize the powerline and therefore should be disclosed in the DEA. In addition, we ask that the DEA provide information on whether there are plans for other solar energy developments or other developments that would not be possible *but for* the powerline. Please document the direct, indirect, cumulative, and growth inducing impacts of their construction, operation, use, and maintenance would be to the tortoise, tortoise habitat, and connectivity as the result of this project.

We appreciate this opportunity to provide the above comments and trust they will help protect tortoises during any resulting authorized activities. Herein, we reiterate that the 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 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 notify the DTC at eac@deserttortoise.org of any proposed projects that BLM may authorize, fund, or carry out in the range of any species of desert tortoise in the southwestern United States (i.e., *Gopherus agassizii*, *G. morafkai*, *G. berlandieri*, *G. flavomarginatus*) so we may comment on them to ensure the BLM fully considers and implements actions to conserve these tortoises as part of its directive to conserve biodiversity on lands managed by the BLM.

Please 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

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