



DESERT TORTOISE COUNCIL

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Via email only

13 October 2021

Mr. Jason West, Ed Duarte
Bureau of Land Management
Lake Havasu Field Office
1785 Kiowa Ave
Lake Havasu City, AZ 86403
jwest@blm.gov, eduarte@blm.gov

RE: Chicken Springs and Planet Allotments Border Cattleguard Scoping Comments

Dear Mr. West, 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.

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*), 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.

On 6 October 2021, a member of Western Watersheds Project provided the Council with a copy of their scoping letter, addressed to Mr. Duarte, in which we were made aware of this project. On 12 November 2019, the Council addressed a letter¹ to all Arizona field offices of the BLM, which included Mr. West, who was then and is now the Field Manager of the Lake Havasu Field Office, asking that the Council be considered as an Affected Interest for all projects on public lands managed by the BLM that may affect tortoises (Desert Tortoise Council 2019).

For most projects affecting tortoises on BLM lands, it is a third party that has informed us of the project, which is also true in this case. This has led us to conclude that the BLM is not obligated to contact individual groups when projects are proposed. However, we note that the BLM's September 30, 2021 letter for this project, entitled "Public Consultation," includes a table with 25 entities on a "Mailing List."² We note that the Council is not on this list, despite dozens of comment letters in which we have asked to be contacted as an Affected Interest (seven examples are cited between 2016 and 2019 in our 2019 letter), in addition to the letter that was specifically addressed to Mr. West in 2019.

With regards to the specific project, we note that the BLM's letter says there has been no active grazing in the Planet Allotment over the past 30 years, and the gate would function to preclude entry of cattle from the Chicken Springs Allotment, although the level of ephemeral use in that allotment is not revealed. Since impacts of the project are to be documented in a Categorical Exclusion, we ask that more information be provided in environmental document(s), including BLM's monitoring data, that has led to the need for this proposed project.

Herein, once again, 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. We appreciate this opportunity to provide input and trust that our comments will help protect tortoises during any authorized project activities. 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

Literature Cited

Desert Tortoise Council. 2019. 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. Unpublished letter to four Arizona BLM District Managers and eight BLM Field Managers.

¹ <https://www.dropbox.com/s/dzsh3fefh6ys3qv/BLM%20AZ%20District%20Managers%20DTC%20as%20an%20Affected%20Interest%20202019-11-8.pdf?dl=0>

² https://www.dropbox.com/s/kjqckag1n27byie/Chicken%20Springs_Planet%20scoping%20cattleguard%2009.30.21.pdf?dl=0