



DESERT TORTOISE COUNCIL

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Via email only

14 July 2020

Melissa Jennings
Bureau of Land Management
Tonopah Field Office Battle Mountain District
1553 South Main Street
Tonopah, Nevada 89049
mjennings@blm.gov

RE: Crown Exploration Project Plan of Operations (#DOI-BLM-NV-B020-2020-0016-EA)

Dear Ms. Jennings,

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 known to be occupied by Agassiz's desert tortoise (*Gopherus agassizii*) (synonymous with "Mojave desert tortoise"), our comments pertain to enhancing protection of this species during activities authorized by the Bureau of Land Management (BLM). Please accept, carefully review, and include in the relevant project file the Council's following comments on this project and associated environmental documents.

Page 1-1 of the Draft Environmental Assessment (Draft EA) for the above-referenced project provides the following project description (unless otherwise noted, all page references are from the Draft EA): "Coeur [Sterling, Inc. = "Proponent"] proposes to conduct phased exploration activities and surface disturbing activities for data collection to assess mineral development potential within a 3,121-acre Project Area, that would create up to approximately 290 acres of new surface disturbance for a total Project-related disturbance of approximately 300 acres."

As given on page 1-3, the BLM has the following options: “1) approve the Plan with no modifications; 2) approve the Plan with additional mitigation measures that are needed to prevent unnecessary or undue degradation of public lands and reduce or eliminate the effects of the proposed action or alternatives; or 3) deny the approval of the Plan as currently written and not authorize the Project if it is found that the Proposed Action does not comply with the 3809 and the FLPMA mandate to prevent unnecessary or undue degradation.” The majority of our comments comprise additional measures that we feel, if conscientiously implemented, will further protect desert tortoises.

On page 2-3, the Draft EA states “Coeur would salvage growth media as practicable during construction activities in the form of berms and minor push piles within the disturbance footprint of permitted surface disturbance features.” Given that the drill holes may be 600 to 1,500 feet deep (page 2-3), it is important that the top 12-18 inches of soil be separated from deeper soils that do not include seeds. The prescription given on pages 2-3, 2-14, and 2-15 indicate the Proponent would be responsible for restoring disturbed areas at a later date. We offer technical assistance in the form of best management practices in the attached article, “Enhancing and restoring habitat for the desert tortoise (*Gopherus agassizii*)” (Abella and Berry 2016).

On page 2-3, the Draft EA indicates “The standard drill sites constructed at the Project would measure approximately 80 feet long by 30 feet wide.” And, further, “Drill holes would be vertical or angled to an average depth of 600 feet with a maximum depth of 1,500 feet.” Given these dimensions, it is important that each drill hole be surrounded by perimeter fences that prevent both humans and tortoises from falling into them. Also given these depths, it is not clear how the following prescription given on page 2-13 can be implemented: “All trenches, pits and other excavations should be checked for tortoises immediately prior to backfilling.” Again, perimeter fences may be a better solution to avoid tortoise entrapment and enhance human safety.

Page 2-5 of the Draft EA describes subsequent development as follows: “...a meteorological station may be installed in the Project Area. This installation would include the station itself, a pan evaporation tank, solar panels, a propane generator, a propane tank, and a six-foot chain-link fence surrounding the entire facility.” Although the Draft EA indicates that food stuffs will be restricted to raven-proof containers (page 2-13), it is equally important that these facilities not result in providing either new water sources or nesting substrates for common ravens (*Corvus corax*), which are a known tortoise predator. The Proponent will likely need to enlist a qualified biologist to monitor raven use of the area (including establishing a baseline prior to exploration), to ensure that water subsidies and nest substrates are not created, and to implement protective measures, such as nest removal prior to egg-laying, as needed.

Page 2-6 of the Draft EA indicates, “Up to 19 personnel could be on site at any one time during Project activities, including one Coeur geologist and two to three contract drill operators per drill rig and a drill supervisor, technician, and safety coordinator for drilling activities.” The following recommendations are intended to supplement information given on page 2-12 under the third bullet. It is essential that all new mine personnel be given a BLM-approved tortoise awareness program and that on at least an annual basis, all workers be given a refresher course on tortoise protection measures. It is advisable that a brochure listing life history information, threats, and protective measures be developed and made available to all new personnel. Though not stated, we feel that the field contact representative (see page 2-12) or similar person be given the responsibility of ensuring this education program is administered and pamphlets distributed.

In the first bullet at the top of page 2-13, we recommend that the following italicized wording be added to the prescription: “If a dead or injured tortoise occurs on site, the designated field contact representative would notify the BLM and USFWS *within 24 hours of the finding.*”

Although we appreciate that “a desert tortoise survey [would be performed] 24 hours prior to drilling,” (page 2-13) we believe that the following clarification should accompany this somewhat vague prescription. We suggest that the following or similar wording be added: “Clearance surveys as outlined in the USFWS (2009) Field Manual would be conducted by BLM-approved, qualified biologist(s). Similarly, burrow excavation and tortoise handling would follow guidelines given on page 6-1 of the Field Manual.” Unlike *presence-absence surveys* where one pass along transects spaced at 10-meter intervals is sufficient, *clearance surveys* require two passes of the target area along transects spaced at 5-meter intervals. The Field Manual also requires that these activities be performed by Authorized Biologists, not Biological Monitors unless they are supervised by Authorized Biologists.

The third bullet at the top of page 2-13 reads, “Vehicle speeds on undeveloped access roads shall not exceed 15 miles per hour (mph) and 25 mph on more improved main access roads.” Since this prescription may be subject to interpretation, we recommend that speed limit signs be posted to identify the two types of roads. Alternatively, those roads that allow travel at 25 mph may be signed and workers informed that travel on all unsigned roads be restricted to 15 mph.

Since the tortoise was listed in 1990, BLM routinely prohibits firearms from authorized work sites like this one. Therefore, we recommend that the BLM add this prescription to those applicant-committed prescriptions listed on pages 2-12 and 2-13 that are intended to protect tortoises.

We find the following sentence on page 2-16 to be unclear, “No drill holes would remain open at any one time,” and suggest that it be clarified as follows: “*Multiple* drill holes would *not* remain open at any one time,” or similar wording, assuming that is the intent.

We appreciate this opportunity to provide input and trust that our comments will help protect tortoises during any authorized project activities. In spite of repeated requests of the BLM to inform us of projects that may affect tortoises, the notice for this project was supplied by a third party, not by the BLM (please see attached letter to Nevada BLM offices dated November 7, 2019). 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 particular project is provided to us at the contact information listed above.

Regards,



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

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.

U.S. Fish and Wildlife Service. 2009. Desert Tortoise (Mojave Population) Field Manual: (*Gopherus agassizii*). Region 8, Sacramento, California.

Attachments

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.

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 in Nevada. Palmdale, CA