

DESERT TORTOISE COUNCIL

3807 Sierra Highway #6-4514

Acton, CA 93510

www.deserttortoise.org

eac@deserttortoise.org

Via email and BLM NEPA eplanning portal

April 1, 2023

Attn: Francisco J Mendoza and Amy McGowan
Tucson Field Office
Bureau of Land Management
3201 East Universal Way
Tucson, AZ 85756
fmendoza@blm.gov; amcgowan@blm.gov

RE: Scoping Comments - Middle Gila South Access and Transportation Plan, Pima, Pinal and Cochise Counties, Arizona (DOI-BLM-AZ-G020-2022-0028-EA)

Dear Mr. Mendoza and Ms. McGowan,

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.

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. Given the location of the proposed project in habitats likely occupied by the Sonoran desert tortoise (*Gopherus morafkai*) (synonymous with Morafka's desert tortoise), our comments pertain to

enhancing protection of this species during activities funded, authorized, or carried out by the Bureau of Land Management (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.

On November 17, 2022, the Council provided BLM with a comment letter on the Middle Gila South Travel Management Plan. We request this letter (attached) be entered into the BLM's administrative and decision records for this project during this formal public scoping period. We provide additional comments to our November 17 letter, which follow.

In September 2022, BLM announced that the Tucson Field Office would be starting an access and transportation management planning process that will designate roads and trails on BLM lands in the Middle Gila South travel management planning area. This planning area includes approximately 60,000 acres of BLM managed lands with approximately 700 miles of existing routes intermingled with Arizona State Trust and other lands.

In March 2023, BLM announced a 30-day public scoping period for the Middle Gila South, Picacho, and Lower Galiuro Travel Management Areas. In that announcement, BLM said the Planning Areas include "approximately 212,000 acres of BLM lands in Pinal, Pima, Gila and Cochise Counties, with approximately 700 miles of existing travel routes on public lands that are accessed from State and County roads and highways."

We note that the transportation management planning area has expanded greatly from 60,000 acres of BLM-managed lands in the Middle Gila South Travel Management Area to 212,00 acres in the Middle Gila South, Picacho, and Lower Galiuro Travel Management Areas (TMAs). Yet, with this more than three-fold increase in acreage, the same mileage of existing routes is reported to occur by BLM. These data concern us as they suggest that BLM likely does not have an accurate map of the current travel routes in these TMAs.

In our November 17, 2022 comment letter to BLM, the Council requested that BLM use current aerial imagery to identify and record on GIS the global network of existing routes in the Middle Gila South Travel Management Area. Following this remote sensing exercise, we strongly recommended that there be ground-truthing to verify the accuracy of this process of mapping existing routes. This is baseline data that BLM needs to help determine which routes are redundant or harmful to resources such as the tortoise/tortoise habitat before it can consider making informed management decisions on which routes should be designated as open, closed, or limited. We reiterate this need for several reasons including the requirement for cumulative effects analysis in the National Environmental Policy Act (NEPA) for preparing environmental assessments and environmental impact statements and BLM's commitment to manage for the tortoise in the Sonoran Desert Tortoise Candidate Conservation Agreement (USFWS et al. 2015).

As a signatory to the Sonoran Desert Candidate Conservation Agreement (USFWS et al. 2015), BLM committed to implementing:

- (1) BLM Manual 6840 (BLM 2008) that establishes specific procedures for managing the Sonoran desert tortoise as a BLM sensitive species, with the goal of conserving the Sonoran desert tortoise and its habitat on BLM-managed lands in cooperation with other agencies;
- (2) landscape level conservation measures (e.g., identifying areas of potential conflict between agency mission and Sonoran desert tortoise habitat and identifying and reducing or otherwise mitigating dispersal barriers between Sonoran desert tortoise populations, etc.); and
- (3) local level conservation measures (e.g., considering the effects of actions on the Sonoran desert tortoise during the planning process, and avoiding or minimizing impacts, or implementing mitigation measures to offset impacts to tortoise populations and habitat where practical and feasible, avoid, where practicable, or otherwise minimize or mitigate adverse effects of actions that could result in isolation of known Sonoran desert tortoise populations and/or landscape-level fragmentation of Sonoran desert tortoise habitat, etc.).

These three measures are only effective if BLM knows where the direct and indirect impacts to the tortoise are occurring, especially at a landscape level. The Council is concerned about projects and management decisions that contribute to degradation and loss of tortoise habitat (including habitat needed for connectivity among populations) from habitat fragmentation, new or more frequently used roads which bring invasive plant species, wildfires, etc. To conduct an accurate regional or cumulative effects analysis and comply with the Sonoran Desert Candidate Conservation Agreement, BLM needs to track these and other impacts to the tortoise at a landscape level using a geospatial tracking system for all management actions and projects authorized, funded, or carried out by BLM. We request that BLM implement and continuously update this project in its geospatial tracking system.

In the Sonoran Desert Candidate Conservation Agreement, BLM says, that through [its] Resource Management Plans (RMPs), BLM managers are directed to “[a]void, minimize or mitigate impacts associated with all BLM authorized activities including mineral material sales, rights-of-way, recreational use, travel management, and livestock grazing through project design and modifications to allowable uses in order to achieve Sonoran desert tortoise management objectives” (USFWS et al. 2015). BLM should explain in the Middle Gila South, Picacho, and Lower Galiuro Travel Management Areas environmental assessment, how it will avoid minimize, or mitigate impacts associated with these travel management plans at a local and landscape level in order to achieve Sonoran desert management objectives.

As a mitigation measure, we suggest that in areas that provide habitat for the tortoise, including linkage habitat for connectivity between populations, routes be designated as limited and closed seasonally during the active season for the tortoise, especially during the summer monsoon season.

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,



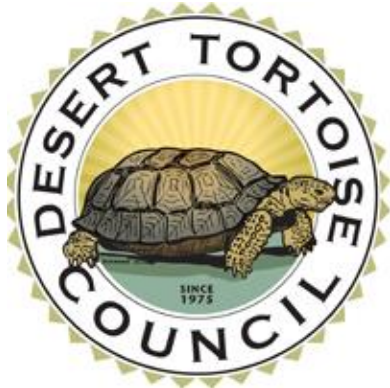
Edward L. LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

Attachment: November 17, 2022 Letter from Desert Tortoise Council to June Lowery, Francisco J. Mendoza, and Amy McGowan on Scoping Comments for Middle Gila South Transportation Plan (DOI-BLM-AZ-G020-2022-0028-EA)

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[BLM] U.S. Bureau of Land Management. 2008b. Special Status Species Management. Handbook 6840. December 12, 2008.

[USFWS et al.] U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, National Park Service, Department of Defense, Customs and Border Protection, U.S. Forest Service, Natural Resources Conservation Service, Arizona Game and Fish Department, and Arizona Department of Transportation. 2015. Candidate Conservation Agreement for the Sonoran Desert Tortoise (*Gopherus morafkai*) in Arizona. May 27, 2015. <https://www.blm.gov/sites/blm.gov/files/policies/IMAZ-2016-004-a1.pdf>.



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Via email only

17 November 2022

Attn: June Lowery, Francisco J Mendoza, Amy McGowan
Bureau of Land Management, Tucson Field Office
3201 E. Universal Way
Tucson, AZ 85756
jlowery@blm.gov, fmendoza@blm.gov, amcgowan@blm.gov

RE: Scoping Comments for Middle Gila South Transportation Plan (DOI-BLM-AZ-G020-2022-0028-EA)

Dear Ms. Lowrey, et al.,

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.

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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*) (synonymous with Morafka's desert tortoise), our comments pertain to enhancing protection of this species during activities funded, authorized, or carried out by the Bureau of Land

Management (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.

Based on the following information given in the BLM's Press Release dated 26 September 2022, we understand that BLM is soliciting formal scoping comments for this proposed project: "The Bureau of Land Management Tucson Field Office is starting an access and transportation management planning process that will designate roads and trails on BLM lands in the Middle Gila South travel management planning area. The resulting travel management plan will identify the transportation system that will be maintained for multiple land use activities, public land infrastructure, hunting, and other recreational opportunities."

"The BLM will consider input to evaluate the existing route system, determine appropriate management designations and options, and analyze the potential impacts from the access and transportation route designations. The planning area includes approximately 60,000 acres of BLM land about 40 to 60 miles from Tucson, near small communities in Cochise, Gila, Pima, and Pinal counties. BLM lands include approximately 700 miles of existing routes intermingled with Arizona State Trust and other lands. Most of the existing routes are unmaintained primitive roads or trails in poor conditions, with drainage and erosion problems."

"An environmental assessment [EA] for the proposed access and transportation management plan will be prepared in accordance with the National Environmental Policy Act, and opportunities for public review and comment will be available at milestone stages throughout the process. Completion of the access and transportation management plan and environmental assessment is expected in July 2023."

During the Virtual Public Meeting on October 19 and 20, 2022, BLM's presentation included the following statement – A travel management plan "[p]rovides opportunities for a range of motorized and non-motorized uses on public lands while protecting resources and minimizing conflicts among users. We request that when BLM develops and analyzes a broad range of alternatives, not just the no action and proposed action alternatives, BLM describes and analyzes how each alternative will be effective in protecting the Sonoran Desert tortoise and its habitat, including habitats needed for connectivity among populations.

In addition, we request that BLM describe and analyze in the National Environmental Policy Act (NEPA) document, how it is complying with its mitigation policy, handbook, and manual (BLM 2021a, 2021, b, 2021c); Special Status Species Management Manual (BLM 2008, BLM 2017); and the Sonoran Desert Tortoise Candidate Conservation Agreement (USFWS et al. 2015). Demonstrating this compliance would include (1) implementing a plan that monitors the impacts to the tortoise/tortoise habitat from the public's use of routes, especially use of motorized vehicles; and (2) designing and implementing a monitoring plan that is a science-based, and statistically rigorous. Finally, in the NEPA document, BLM should provide references from scientific journal articles that support its analysis and conclusions.

In its analysis of alternatives, especially those that maintain or increase the miles of routes that are accessible by vehicles, we request that BLM analyze the impacts on increased greenhouse gas emissions from increased motorized vehicle use; increased invasive plant species abundance,

density, and occurrence; increased probability of wildfires from the presence of vehicles and humans (Brooks and Matchett 2006) in areas previously not accessible by vehicles; and the loss of vegetation to sequester carbon while inputting more carbon into the atmosphere from fires.

We note in the above description that there are “approximately 700 miles of *existing routes* [emphasis added] intermingled with Arizona State Trust and other lands.” Although it has been our observation that the recreating public fails to remain on designated routes, we feel strongly that it is essential that BLM designate all existing routes as either “open” or “closed,” and, “limited,” where necessary. We assume that BLM will use current aerial photography to identify the global network of existing routes. If so, we strongly recommend that there be some ground-truthing to identify, in particular, those “routes” that are actually dry washes.

We have read some management plans that make the blanket statement that “all dry washes are open to vehicle travel,” which we strongly oppose. We prefer wording such as, “Only routes designated as ‘open’ will be available for vehicle travel.” There is clear evidence that tortoises rely on resources associated with washes (Jennings 1992, 1993, 1997), so please be sure that there be a limited number of existing routes designated as open. Again, if BLM suspects that a given existing route is actually a wash, that there be ground-truthing to ascertain that. If these field visits reveal that an existing route is a wash that has little or no vehicle use, that it be designated as closed.

That being said, with regards to closed routes, we strongly recommend that BLM eliminate closed routes using camouflaging techniques (e.g., vertical mulching) rather than posting them as closed with red Carsonite signs. Our experience has been that the closed signs often attract use of a barely discernable route that would have not been obvious but for that sign. As such, as given above, it is highly preferable that the routes be eliminated rather than signed as “closed.”

We ask that the EA include a schedule that, among other things, (1) discusses time frames in which all designated routes will be signed as “open” or “closed,” and “limited” where necessary; (2) commits BLM to signing all open routes as the highest priority, followed by a commitment to sign closed routes and, preferably, eliminate them by camouflaging techniques as soon as possible; and (3) identifies a monitoring program that will, over time, determine if vehicles are remaining on the designated-open routes, and identify remedial actions where trespass is judged to be problematic.

With regards to the clause given above, “existing routes intermingled with Arizona State Trust and other lands,” we ask that the EA describe how BLM’s designated route network will minimize trespass on private and State Trust lands. Invariably, BLM designates routes on public lands that appear and disappear at the interface with private land boundaries, which is problematic, especially among land owners who are afflicted by trespass on their lands. Will affected private lands owners be contacted where these interfaces cannot be avoided?

Too often EAs fail to fully analyze the impacts of vehicles on tortoises and their habitats. As such, we provide a bibliography in Appendix A that is a partial list of how routes affect these resources, and expect to see a detailed analysis in the EA that utilizes these references. We also ask that BLM map tortoise concentration areas that are known to be within the 60,000-acre planning area, and target such areas for relatively more closures to minimize impacts to tortoises and their habitats.

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.
Ecosystems Advisory Committee, Chairperson
Desert Tortoise Council

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Appendix A. Bibliography on road impacts in desert ecosystems

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