



DESERT TORTOISE COUNCIL

3807 Sierra Highway #6-4514

Acton, CA 93510

www.deserttortoise.org

eac@deserttortoise.org

Via email and BLM NEPA eplanning portal

March 9, 2023

Attn: Chelsea McKinney
Bureau of Land Management
Lower Sonoran Field Office
2020 E. Bell Rd.
Phoenix, AZ 85022
cmmckinney@blm.gov
BLM_AZ_LSFO_Goldfield@blm.gov

RE: Scoping Comments for Apache Junction Goldfield Recreation Area (DOI-BLM-AZ-P020-2023-0002-EA)

Dear Ms. McKinney,

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.

The Council has requested numerous times in writing to BLM that the Council is an affected interest for any projects affecting the Sonoran desert tortoise, and have requested that we be notified of any projects in Sonoran desert tortoise habitat that BLM is considering. This notification include sending certified letters to all BLM district managers in Arizona in 2019, we were not contacted by BLM about this proposed project and the public comment period. Once again, we request that BLM notify the Council of all proposed BLM actions that may affect the Sonoran desert tortoise and/or Mojave desert tortoise (*Gopherus agassizii*). We are copying the Arizona State Director and BLM Director regarding this request with the hope that they will instruct their management and staff to honor our request and inform the Council of all future projects that may be authorized, funded, or carried out by BLM in the range of desert tortoise species.

Description of Proposed Action

According to BLM, the Lower Sonoran Field Office of BLM plans to develop a recreation area management plan (RAMP) in the Goldfield area near Apache Junction, Arizona to identify appropriate recreational uses, avoid user conflicts, ensure public health and safety, and protect natural and cultural resources in conformance with laws and land use plans. The proposed RAMP would manage around 1,100 acres and could expand recreational opportunities for Off-Highway Vehicle (OHV) driving, horseback riding, and other recreational activities, such as staging areas and corresponding routes. BLM would analyze the impacts of the RAMP in an Environmental Assessment (EA).

The project area is bordered on the east by the Lost Dutchman State Park. This 320-acre State Park was established in 1977 and added to in 1983 via a lease from BLM. The State Park is currently managed for camping and day use including hiking trails that lead from the State Park into the Superstition Mountain Wilderness and surrounding Tonto National Forest. The State Park's website emphasizes native wildlife viewing, the beauty of its native desert plants, and describes staying there as a "soothing respite from everyday life" (Arizona State Parks 2023).

Scoping Comments

BLM's press release stated that the public comment period closed on March 9, but the BLM NEPA eplanning website reported the comment period as closing on March 10. Because of this discrepancy, we ask that BLM accept our comments submitted on March 10 for the proposed action.

Analysis of Impacts to the Sonoran Desert Tortoise: We ask that BLM ensure that provisions given in the following documents be conscientiously considered and implemented when analyzing and implementing the RAMP:

- Arizona Game and Fish Department. 2010. Desert Tortoise Survey Guidelines for Environmental Consultants. <https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/2010SurveyguidelinesForConsultants.pdf>.
- Arizona Game and Fish Department. 2014. Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects. <https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/2014%20Tortoise%20handling%20guidelines.pdf>.
- Arizona Interagency Desert Tortoise Team. 2008. Recommended Standard Mitigation Measures for Projects in Sonoran Desert Tortoise Habitat. June 2008. <https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/MitigationMeasures.pdf>.
- Bureau of Land Management. 2008a. Special Status Species Management – Manual 6840. Washington, D.C. December 12, 2008.
- Bureau of Land Management. 2012. Desert Tortoise Mitigation Policy. Instructional Memorandum IM-AZ-2012-031.
- Bureau of Land Management. 2021a. Reinstating the Bureau of Land Management (BLM) Manual Section (MS-1794) and Handbook (H-1794-1) on Mitigation. Instruction Memorandum IM 2021-046. September 22, 2021.
- Bureau of Land Management. 2021b. Mitigation Handbook (H-1794-1). https://www.blm.gov/sites/default/files/docs/2021-10/IM2021-046_att2.pdf.
- Bureau of Land Management. 2021c. Mitigation Manual (MS-1794). Bureau of Land Management, September 22, 2021. https://www.blm.gov/sites/default/files/docs/2021-10/IM2021-046_att1_0.pdf.
- Bureau of Land Management. 2022. Habitat Connectivity on Public Lands Instruction Memorandum 2023-005.
- U. S. Fish and Wildlife Service and Cooperating Agencies comprising the Arizona Interagency Desert Tortoise Team. 2015. Candidate Conservation Agreement for the Sonoran Desert Tortoise (*Gopherus morafkai*) in Arizona. Phoenix AZ.

According to the BLM Manual 6840, Special Status Species Management includes the following BLM directives (BLM 2008a) that are applicable to the Sonoran desert tortoise:

6840.01 *Purpose*. The purpose of this manual is to provide policy and guidance for the conservation of BLM special status species and the ecosystems upon which they depend on BLM-administered lands. BLM special status species are: (1) species listed or proposed for listing under the Federal Endangered Species Act (FESA), and (2) species requiring special management consideration to promote their conservation and reduce the likelihood and need for future listing under the FESA, which are designated as BLM sensitive by the State Director(s).

6840.02 *Objectives*. The objectives of the BLM special status species policy are (1) to conserve and/or recover FESA-listed species and the ecosystems on which they depend so that FESA protections are no longer needed for these species, and (2), to initiate proactive conservation measures that reduce or eliminate threats to BLM-sensitive species to minimize the likelihood of and need for listing of these species under the FESA. With respect to the Sonoran desert tortoise, we request that the proposed action or other alternatives contribute to meeting objectives in BLM Manual 6840 – Special Status Species Management (BLM 2008a).

Impacts from Increased OHV Use: BLM should consider the purpose of the neighboring State Park when developing the RAMP and ensure that the native flora and fauna (including the Sonoran desert tortoise) and the experience of a soothing respite are not degraded by activities that are authorized under the BLM RAMP. This would include the numerous adverse impacts from OHV use and associated activities such as staging areas, etc. We have attached a list of scientific papers that analyze the direct and indirect impacts of OHV use to desert tortoises and desert habitats (Appendix A - Partial bibliography of scientific studies and reports on the impacts from vehicle use to desert ecosystems). We request that in the Draft EA BLM use these scientific papers and reports when analyzing the impacts to the tortoise, other animal and plant species, and their habitats from OHV use.

We request that BLM include at least one alternative that does not increase the current authorized OHV use in the RAMP and another that decreases it.

Shooting and Target Practice: We reiterate our comment above about considering the purpose of the neighboring State Park when developing the RAMP and ensure that the native flora and fauna (including the Sonoran desert tortoise) and the experience of a soothing respite are not degraded by activities that are authorized under the BLM RAMP. There is documentation that people like to shoot tortoises (Berry et al. 2006, Berry et al. 2008, Berry et al. 2014) and that shooting starts fires (Short and Finney 2022; the 2013 Doce Fire in Prescott National Forest). These activities should be prohibited in the RAMP and this prohibition enforced.

Impacts from Proliferation of Nonnative Plant Species and Fires: The Draft EA should include an analysis of how the proposed project would contribute to the spread and proliferation of non-native invasive plant species; how this spread/proliferation would affect the desert tortoise and its habitats (including availability of adequate and nutritious forage and the frequency and size of human-caused fires); and how the proposed project may affect the frequency, intensity, and size of human-caused and naturally occurring fires. For reasons given in the previous paragraph, we strongly urge the BLM to develop and implement a management and monitoring plan for nonnative invasive plant species as part of the RAMP. This plan should integrate management/enhancement of native vegetation with fire prevention and fire response to wildfires.

Climate Change Impacts: We request that the Draft EA address the effects of the proposed action on climate change and the effects that climate change may have on the proposed action. For the former, if more routes are authorized for OHV use, this usually means more vehicles being used and more areas are denuded of vegetation. How does this impact greenhouse gas emissions, plant biomass, and the ability of remaining plants to photosynthesize when impacted by dust? Recall

that with climate change increasing in its intensity, we should be managing our lands to increase plant cover and biomass to increase the uptake and sequestration of carbon, and we should not be promoting activities that result in more consumption of fossil fuels such as increased recreational driving.

For the effects that climate change may have on the proposed action, we recommend including: an analysis of habitats within/near the project area that may provide refugia for tortoise populations; an analysis of how the proposed action would contribute to the spread and proliferation of nonnative invasive plant species in/near the project area; how this spread/proliferation would affect the desert tortoise and its habitats (including availability of nutritious forage and the frequency and size of fires); and how the proposed action may increase the likelihood of human-caused fires.

We request this analysis at national level as BLM develops and implements all recreation area management plans on BLM land throughout the west.

Cumulative Impacts Analysis: Please see *Grand Canyon Trust v. F.A.A.*, 290 F.3d 339, 345-46 (D.C. Cir. 2002) in which the court decided that agencies must analyze the cumulative impacts of actions in environmental assessments.

In the cumulative effects analysis of the Draft EA, please ensure that the CEQs “Considering Cumulative Effects under the National Environmental Policy Act” (1997) is followed, including the eight principles, when analyzing cumulative effects of the proposed action to the affected resource issues. This CEQ document is referred to in BLM’s National Environmental Policy Act Handbook (BLM 2008b).

CEQ states, “Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern. The range of actions that must be considered includes not only the project proposal but all connected and similar actions that could contribute to cumulative effects.” The analysis “must describe the response of the resource to this environmental change.” Cumulative impact analysis should “address the sustainability of resources, ecosystems, and human communities.”

CEQs guidance on how to analyze cumulative environmental consequences, which contains eight principles listed below:

1. Cumulative effects are caused by the aggregate of past, present, and reasonable future actions.

The effects of a proposed action on a given resource, ecosystem, and human community, include the present and future effects added to the effects that have taken place in the past. Such cumulative effects must also be added to the effects (past, present, and future) caused by all other actions that affect the same resource.

2. Cumulative effects are the total effect, including both direct and indirect effects, on a given resource, ecosystem, and human community of all actions taken, no matter who (federal, non-federal, or private) has taken the actions.

Individual effects from disparate activities may add up or interact to cause additional effects not apparent when looking at the individual effect at one time. The additional effects contributed by actions unrelated to the proposed action must be included in the analysis of cumulative effects.

3. Cumulative effects need to be analyzed in terms of the specific resource, ecosystem, and human community being affected.

Environmental effects are often evaluated from the perspective of the proposed action. Analyzing cumulative effects requires focusing on the resources, ecosystem, and human community that may be affected and developing an adequate understanding of how the resources are susceptible to effects.

4. It is not practical to analyze the cumulative effects of an action on the universe; the list of environmental effects must focus on those that are truly meaningful.

For cumulative effects analysis to help the decision maker and inform interested parties, it must be limited through scoping to effects that can be evaluated meaningfully. The boundaries for evaluating cumulative effects should be expanded to the point at which the resource is no longer affected significantly or the effects are no longer of interest to the affected parties.

5. Cumulative effects on a given resource, ecosystem, and human community are rarely aligned with political or administrative boundaries.

Resources are typically demarcated according to agency responsibilities, county lines, grazing allotments, or other administrative boundaries. Because natural and sociocultural resources are not usually so aligned, each political entity actually manages only a piece of the affected resource or ecosystem. Cumulative effects analysis on natural systems must use natural ecological boundaries and analysis of human communities must use actual sociocultural boundaries to ensure including all effects.

6. Cumulative effects may result from the accumulation of similar effects or the synergistic interaction of different effects.

Repeated actions may cause effects to build up through simple addition (more and more of the same type of effect), and the same or different actions may produce effects that interact to produce cumulative effects greater than the sum of the effects.

7. Cumulative effects may last for many years beyond the life of the action that caused the effects.

Some actions cause damage lasting far longer than the life of the action itself (e.g., acid mine damage, radioactive waste contamination, species extinctions). Cumulative effects analysis need to apply the best science and forecasting techniques to assess potential catastrophic consequences in the future.

8. Each affected resource, ecosystem, and human community must be analyzed in terms of its capacity to accommodate additional effects, based on its own time and space parameters.

Analysts tend to think in terms of how the resource, ecosystem, and human community will be modified given the action's development needs. The most effective cumulative effects analysis focuses on what is needed to ensure long-term productivity or sustainability of the resource.

Please add an analysis of cumulative impacts of each alternative to the DEA for the resource issues carried forward in the DEA for analysis.

Note that CEQ recognizes that synergistic and interactive impacts as well as cumulative impacts should be analyzed in the NEPA document for the resource issues.

We request that the Draft EA (1) include these eight principles in its analysis of cumulative impacts to the Sonoran desert tortoise; (2) address the sustainability of the tortoise in/near the project area; and (3) include effective science-based mitigation, monitoring, and adaptive management that protect desert tortoises and their habitats during BLM's management and the public's use of the project area for recreation.

The Draft EA should include an analysis of all the action alternatives and how the implementation of each one would result in "no net loss in quantity and quality of Sonoran desert tortoise habitat" as it claims it does for roads (USFWS et al. 2015).

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: Appendix A - Partial bibliography of scientific studies and reports on the impacts from vehicle use to desert ecosystems

Cc: Tracy Stone-Manning, Director, Bureau of Land Management, tstonemanning@blm.gov
Nada L. Culver, Deputy Director of Policy and Programs, Bureau of Land Management, nculver@blm.gov
David Jenkins, Assistant Director of Resources & Planning, Bureau of Land Management, djenkins@blm.gov
Raymond Suazo, Arizona State Director, blm_az_asoweb@blm.gov

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Appendix A

Partial bibliography of scientific studies and reports on the impacts from vehicle use to desert ecosystems (as of December 2019)

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