



DESERT TORTOISE COUNCIL

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Via email only

2 September 2020

Attn: Andy Whitefield
Bureau of Land Management
Kingman Field Office
2755 Mission Blvd.
Kingman, AZ 86401
vgohlke@blm.gov
awhitefield@blm.gov

RE: Golden Valley 230 kV Transmission Line Project Environmental Assessment (DOI-BLM-AZ-C030-2018-0012-EA)

Dear Mr. Whitfield,

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 Morafka's desert tortoise (*Gopherus morafkai*) (synonymous with "Sonoran 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 the Golden Valley Transmission Line project (Project). All referenced page numbers pertain to the Environmental Assessment (DEA) and the associated appendices, where parenthetical statements are cut-and-pasted followed by our recommendations.

Page 4 indicates, “A small, temporary access road up to 560 feet in length that would provide access to pulling and tensioning sites would be cleared as well.” According to the EA, the E1 East Cerbat Alternative is the shortest at 17 miles long and the E2 East Cerbat Alternative is the longest at 17.9 miles (page 9), and the other lengths are intermediate, as given in Table 8 in Appendix A-2. In any case, page 3 indicates that the monopoles (which we definitely prefer over lattice poles that provide nesting opportunities for ravens), would be placed between 700 and 900 feet apart. Assuming a Project length of 18 miles (95,000 linear feet±) and average pole placement of 800 feet, there may be as many as 120 poles± installed along the alignment. If each of these poles has a 560-foot long access road that is a minimum of 12 feet wide, 120 poles could result in the loss of about 18 acres of habitat. Since this estimated acreage exceeds all short-term disturbances given in Table 10 of Appendix 2, which range from 9.2 acres to 13.8, we question if this impact has been adequately considered by the EA.

Although Table 11 in Appendix A-2 gives relative acres of impacts, we are unable to judge the quality of habitats associated with the six alternatives. The descriptions given for the four western alternatives on page 10 all focus on impacts relative to private lands, whereas we are necessarily more concerned with impacts relative to biological resources, which are ignored in this section. Our main point here is that, if possible, in the presence of qualified biologist(s), that the poles be erected without clearing these 560-foot long access areas; rather that the vegetation be crushed in place. Note that this recommendation is consistent with the verbiage given in the preceding sentence also at the top of page 5.

The maps in Appendix A-1 provide the best indication of the locations of the six action alternatives. It appears that the two East Cerbat alternatives (1 and 2) are biologically preferred, as they appear to follow existing rights-of-way and presumably existing utility and/or other linear developments. Whereas, the other four West Cerbat alternatives (3 through 6) follow the manmade boundaries along the western side of the Cerbat Foothills Recreation Area, which presumably are not associated with any ground disturbance. Based on these observations, alone, we would judge that Alternatives 1 and 2 would result in fewer impacts to tortoise habitat than Alternatives 3 through 6. This assumption is supported by the statements given in the third paragraph on page 24 with regards to less habitat fragmentation associated with the two eastern alternatives. However, in Table 11 of Appendix A-2, we see that the eastern alternatives would result in between 20 and 26 more acres of impact than the western alternatives.

In any case, we clearly prefer the alternative that has the least environmental impacts to tortoises and occupied habitats, which likely coincides with existing linear development through degraded habitats. As given on page 11, this appears to be the E1 East Cerbat Alternative. In our estimation, as given above, the ideal alignment would have the fewest impacts to tortoises and their habitats. For this project, there is no indication that the two eastern and four western alternatives have been subjected to U.S. Fish and Wildlife Service (USFWS 2019) survey protocols. We do not feel that recent reconnaissance surveys or surveys performed in 2007, attributed to R. Peck (see page 17 in Appendix E), adequately portray current tortoise occurrence along the two main, eastern and western alternative rights-of-way. It is our suggestion that the two main eastern and western alternative rights-of-way be surveyed for tortoises and other rare species, and that the results be included in the decision-making process to help determine which alternative is selected.

Please note that the following sentence on page 16 in Appendix E is no longer pertinent: “*The Sonoran Desert tortoise was listed as a candidate species on the ESA [federal endangered species act], but in 2015, the USFWS determined the Sonoran Desert tortoise did not warrant protection.*” As of July 2020, the Sonoran desert tortoise is once again listed as a candidate species on the ESA. As such, if the BLM is obligated to treat federal candidate species differently from BLM sensitive species, for example, we ask that the EA be modified accordingly to enhance impacts analyses and heightened protections that may be due to candidate species versus special status or sensitive species.

With regards to the third bullet on page 27 in Appendix E, “In the event that a desert tortoise needs to be moved from the project alignment, the tortoise should be moved at least 500 feet from but no more than 0.25 mile from where it was found,” we further recommend that the qualified biologist monitor the animal a sufficient amount of time to determine that it is out of harm’s way. Consideration should also be taken with regards to the timing of the displacement. If a tortoise is moved during the dormant season (November 16–February 14) as given on page 26 of Appendix E, it may be necessary to construct an artificial burrow and consult with BLM biologist(s) to determine the best procedure.

With regards to the fourth bullet on page 27 in Appendix E, “If tortoise burrows are found within the project alignment and they will be disturbed by construction activities, they shall be cleared of tortoises and then collapsed by a qualified biologist,” we recommend that it be clarified that the biologist will also search for viable nests during burrow excavation and move the eggs to a safe place, to be monitored at regular intervals until which time the nests hatch or are depredated.

Because BLM is a signatory to the Candidate Conservation Agreement for the Sonoran Desert Tortoise in Arizona (USFWS et al. 2015) and a member of the Arizona Interagency Desert Tortoise Team, we request that BLM implement all current Arizona Game and Fish Department (AGFD) guidance on Sonoran desert tortoises regardless of the action alternative selected. This would include implementing: the Desert Tortoise Survey Guidelines for Environmental Consultants (AGFD 2010), Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects (AGFD 2014), and Recommended Standard Mitigation Measures for Projects in Sonoran Desert Tortoise Habitat (Arizona Interagency Desert Tortoise Team 2008).

We appreciate this opportunity to provide input and trust that our comments will help protect tortoises during any authorized project activities. The BLM office in Kingman has been inconsistent in contacting us about projects affecting tortoises. This project was brought to our attention by a third party, even though we asked BLM District Managers throughout Arizona in November 2019 to be identified as an Affected Interest. Herein, we reiterate that the Desert Tortoise Council wants to 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

[AGFD] Arizona Game and Fish Department. 2010. Desert Tortoise Survey Guidelines for Environmental Consultants.

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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>

[USFWS et al.] 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.

[USFWS] U.S. Fish and Wildlife Service. 2019. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). USFWS Desert Tortoise Recovery Office. Reno, NV.