



DESERT TORTOISE COUNCIL

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Via email only

12 November 2021

Attn: Maria Nicoletti, Amanda Dodson
BLM Kingman Field Office
2755 Mission Blvd
Kingman, AZ 86401
mnicoletti@blm.gov, adodson@blm.gov

RE: Grand Canyon West 69kv Interconnection Project Environmental Assessment (EA) (DOI-BLM-AZ-C010-2021-0020-EA)

Dear Ms. Nicoletti,

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 that the western portions of the proposed project occur in habitats likely occupied by Sonoran desert tortoise (*Gopherus morafkai*) (synonymous with Morafka's desert tortoise) (Amanda Dodson, personal communication via email on 1 November 2021), 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.

Thank you for contacting the Council directly via email on 25 October 2021, and for your subsequent response on 1 November 2021, indicating: “The far western end of the project has the possibility to encounter tortoises, but the eastern portion is much higher in elevation and not desert tortoise habitat.”

The following project description is given in the BLM’s news release, dated 25 October 2021: “The proposed project would provide improved electric and broadband communication services to Grand Canyon West (GCW). The proposed 36-mile powerline project involves both BLM-managed public lands and Tribal lands within the Hualapai Indian Reservation. The project would consist of a new substation located on Tribal lands at GCW, a new 69kV sub-transmission interconnect, originating at the existing Dolan Springs Substation (UniSource Energy Services) to the new GCW Substation, and a new 48-strand fiber optic line. The EA analyzes potential environmental impacts resulting from the proposed project. The preliminary EA is located on the BLM’s National NEPA register at: <https://go.usa.gov/xMVj5>.”

We cannot tell from the information in the EA those portions of the alignment that are within suitable and occupied tortoise habitats. In the absence of this information, we cannot tell which portions of the electrical and communications powerline project should be subject to protective measures identified in the EA or the enhanced protections identified herein. In any case, we recommend that all of the measures we identify herein be applied where the right-of-way (ROW) passes through suitable tortoise habitats. Unless otherwise noted, page numbers cited below appear in the EA, dated October 2021.

1. Page 6 indicates, “The purpose of the project is to improve electrical and communication services to GCW [Grand Canyon West] to support existing facilities and **planned developments** [emphasis added].” How will BLM ensure that all appropriate protective measures will be implemented for these “planned developments,” many of which may not be “funded, authorized, or carried out” by BLM? Importantly, *but for* this project, some of these developments would not occur. The EA does not adequately identify projects that will result from growth-inducing impacts attributable to this powerline/communication line. Even so, the BLM must be responsible to ensure that this project does not result in unauthorized impacts to desert tortoises on projects where it will not have future involvement.

2. We appreciate the following statement on page 7: “The aerial portion of the transmission line would consist of a combination of wood and steel monopole structures, ranging in height from 47.5 to 113.0 feet (14.5 to 34.4 m), supporting three 4/0 aluminum-clad steel reinforced (ACSR) conductors and an optical ground wire (OPGW) cable housing a 48-pair fiber-optic telecommunications line.” It is our understanding that monopoles are the types of structures least likely to be used by common ravens for nesting. Ravens are known predators of tortoises. Please be sure that raven nesting substrates are also minimized at other temporary and permanent structures associated with the proposed project in tortoise habitats.

3. Despite alternatives considered but eliminated on pages 16 and 17, the Council contends that the No Action Alternative and Proposed Action Alternative given on page 7 do not truly represent a range of reasonable meaningful alternatives. Consequently, we request that BLM develop and analyze other reasonable alternatives that could be implemented in addition to the No Action and Proposed Action.

4. On page 7, BLM has the following statement: “It should be noted that detailed engineering plans have not been completed for this project/proposed action.” Therefore, we strongly recommend that the BLM responsibly ensure that the final alignment, associated structures, and facilities be developed in such a way as to minimize impacts to tortoises and suitable habitats and that whatever impacts that remain be fully mitigated.

5. We appreciate the five protective measures listed on page 13, and offer a few more, as follows:

a. We assume that the handling guidelines referenced on page 13 refer to “Arizona Game and Fish Department. 2014. Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects.” Since BLM is a signatory to the Candidate Conservation Agreement for the Sonoran Desert Tortoise in Arizona (USFWS et al. 2015; herein “Agreement”) and a member of the Arizona Interagency Desert Tortoise Team, we request that BLM implement all current Arizona Game and Fish Department (AGFD) guidance relative to protection of Sonoran desert tortoises included in the following documents: Desert Tortoise Survey Guidelines for Environmental Consultants (AGFD 2010); Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects (AGFD 2014), as given above; and Recommended Standard Mitigation Measures for Projects in Sonoran Desert Tortoise Habitat [Arizona Interagency Desert Tortoise Team (2008)].

b. In particular, the BLM’s 2012 Desert Tortoise Mitigation Policy is applicable as the Sonoran desert tortoise is currently a Candidate species with a major threat of habitat loss/degradation. This Mitigation Policy requires “compensation to offset residual impacts after all reasonable on-site mitigation measures are incorporated into the [proposed] action.” This would include compensation for tortoise habitat lost or degraded from direct impacts of construction, operation, and maintenance activities and habitat lost/degraded from indirect impacts of the proposed project (e.g., dust deposition, spread of invasive plant species, etc.).

c. Given that the Sonoran desert tortoise is currently designated as a Candidate species for federal listing as of July 2020 (85 *Federal Register* 73164), if there is any evidence that tortoises occur within the project area, along designated access road(s), or within the “action area” (50 CFR §402.02) surrounding the site, then we recommend that protective measures appropriate for a Candidate species be implemented, particularly if they supplement those protections provided by the Agreement (USFWS et al. 2015) referenced above. In addition, because the Sonoran desert tortoise is a special status species (BLM 2008), BLM’s policy says is a “species requiring special management consideration to promote their conservation and reduce the likelihood and need for future listing under the ESA [Federal Endangered Species Act].” Consequently, additional protective measures from direct, indirect, and cumulative impacts may be appropriate to promote the conservation of the Sonoran desert tortoise and reduce the likelihood of future listing.

d. With regards to the fourth bullet on page 13, which reads, “If a Desert Tortoise burrow is identified during construction, its location should be documented, and the BLM biologist would be notified,” please be sure that all burrows outside impact areas are avoided, and that any that would be lost to construction activities be excavated in such a way that experienced biologist(s) look for eggs and be able to translocate any viable nests that are found.

We appreciate this opportunity to provide input and trust that our comments 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 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. 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

[AGFD] 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>

[AGFD] 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>

[BLM] Bureau of Land Management. 2008. Special Status Species Management – Manual 6840. Washington, D.C. December 12, 2008.

[BLM] Bureau of Land Management. 2012. Desert Tortoise Mitigation Policy. Instructional Memorandum IM-AZ-2012-031.

[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.