



DESERT TORTOISE COUNCIL

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Via email only

15 October 2020

Mr. Paul Misiaszek
Bureau of Land Management
Kingman Havasu Field Office
2755 Mission Boulevard
Kingman, Arizona 86401
pmisiasz@blm.gov

RE: Kalamazoo Chloride Project Environmental Assessment (DOI-BLM-AZ-C010-2018-0014-EA)

Dear Mr. Misiaszek,

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 an Affected Interest, we appreciate that the Bureau of Land Management (BLM) contacted the Council directly through email on September 28, 2020 indicating that the comment period was open until October 28, 2020. Given the location of the proposed project in habitats potentially occupied by the Sonoran desert tortoise (*Gopherus morafkai*) (synonymous with "Morafka's desert tortoise"), a candidate species for listing under the Federal Endangered Species Act (Candidate), our comments pertain to enhancing protection of this species during activities authorized by the BLM. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed project. 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.

Since page numbers are missing from the environmental assessment (EA), all section numbers referenced herein pertain to the EA for the above-referenced project, dated September 2020. As given on page 1, the EA has been prepared to disclose and analyze the environmental consequences of the 22.9-acre Kalamazoo Materials, Inc. (KMI) Chloride Quarry Expansion Project (Project). KMI's proposed Project consists of the expansion of an existing decorative rock quarry adjacent to the town of Chloride in Mohave County, Arizona. KMI is exhausting marketable material within their currently approved operations boundaries and needs to expand their footprint of operation onto adjacent land. The proposed expansion is located on public land administered by the BLM, Colorado River District, Kingman Field Office.

With regards to the statutes, regulations and other plans listed in Section 1.4, 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); and Recommended Standard Mitigation Measures for Projects in Sonoran Desert Tortoise Habitat [Arizona Interagency Desert Tortoise Team (2008)].

With regards to the following statement in Section 2.2, "Fugitive dust mitigation measures include, a 15 mile per hour speed limit, application of water as a dust suppressant, and speed bumps to ensure trucks maintain the speed limit," please be sure that there is a prescription to avoid the creation of standing water as a new source for common ravens, which are a known predator of desert tortoises.

With regards to the following statement also in Section 2.2, "Reclamation of the affected area would commence when it has been depleted of mineral resources, according to the designated final pit elevations in the mining plan," we are attaching best management practices developed by the Council (Abella and Berry 2016) as a resource to consider in implementing future restoration efforts.

Although the following statement is made in Section 4.3, "Sonoran desert tortoise (*Gopherus agassizii*) are not expected to occur in the area" (we point out that this should be *G. morafkai*, not *agassizii*), the following statement is made in Section 4.1.3, "Sonoran desert tortoise are not expected to occur, but the 'Guidelines for Handling Sonoran Desert Tortoises Encountered on Roads and Vehicle Ways' [AGFD 2014] would be handed out to onsite workers during project activities." We also note that the BLM has contacted the Council, presumably because this is a project that may affect tortoises, which was the criterion we asked be considered in deciding to contact us.

Since the proposed expansion area supports creosote bush and other desert-adapted perennial plants characteristic of tortoise habitats (see list in Section 3.3), habitats appear to be intact as per Key Observation Points provided on the BLM's National NEPA [National Environmental Policy Act] Register provided with the link to the notice, and there is no evidence that there have been focused surveys for the species (e.g., no biological resource inventories are identified in Chapter 6 of the EA, which lists references), we recommend that formal tortoise surveys be performed as given in Arizona Game and Fish Department (AGFD 2010).

Further, we note that the area around Chloride corresponds to desert tortoise habitat as identified by Nussear et al. (2009). Although there is only one confirmed record in the area, from 1989, approximately six miles from the mine site, there have been no surveys conducted in the region since that time. We suggest that pre project surveys should be required.

Given that the Sonoran desert tortoise is currently designated as a Candidate species for federal listing as of July 2020, if there is any evidence that tortoises occur within the 23-acre± expansion area, along designated access road(s), or within the “action area” (50 CFR §402.02) surrounding the mine 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, we request that the BLM’s 2012 Desert Tortoise Mitigation Policy (attached) be reinstated as the Sonoran desert tortoise is again 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 from direct impacts of mine activities and habitat lost/degraded from indirect impacts of mine activities (e.g., dust deposition, etc.).

We appreciate this opportunity to provide input and trust that our comments will help protect tortoises during any authorized project activities. Herein, 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. We also ask that you acknowledge receipt of this letter as soon as possible so we can be sure our concerns have been received by the appropriate parties.

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.

[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. 2012. Desert Tortoise Mitigation Policy. Instructional Memorandum IM-AZ-2012-031.

Kenneth E. Nussear, Todd C. Esque, Richard D. Inman, Leila Gass, Kathryn A. Thomas, Cynthia S. A. Wallace, Joan B. Blainey, David M. Miller, and Robert H. Webb. 2009. Modeling Habitat of the Desert Tortoise (*Gopherus agassizii*) in the Mojave and Parts of the Sonoran Deserts of California, Nevada, Utah, and Arizona. Prepared as a part of the Department of the Interior on the Landscape – Mojave Project for the Western Region, of the U.S. Geological Survey.

Open-File Report 2009-1102

[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.

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.

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