



DESERT TORTOISE COUNCIL

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Via email only

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Attn: Amanda Dodson, Field Manager (ADodson@blm.gov)

Paul Misiazek, Geologist (pmisiasz@blm.gov)

Rod Crum, Media Contact (rcrum@blm.gov)

BLM Kingman Field Office, 2755 Mission Blvd, Kingman, AZ 86401

RE: Mohave Mine Exploration Project (DOI-BLM-AZ-C010-2022-0006-EA)

Dear Bureau of Land Management,

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 would like to personally thank BLM Field Manager, Amanda Dodson, for alerting the Council in an email dated May 27, 2022 to the opportunity to review the Environmental Assessment (EA) and provide comments for this project. Given the location of the proposed project in a region known to be occupied by both Mojave desert tortoise (*Gopherus agassizii*) (synonymous with Agassiz's desert tortoise) and Sonoran desert tortoise (*Gopherus morafkai*) (synonymous with Morafka's desert tortoise) [see discussion on page 9 of the Biological Resources Report for the project, dated March 2021 (McGinley & Associates 2021)], 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.

Mojave desert tortoise is now on the list of the world's most endangered tortoises and freshwater turtles. It is in the top 50 species. The International Union for Conservation of Nature's (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers Mojave desert tortoise to be Critically Endangered (Berry et al. 2021). As such, it is a "species that possess an extremely high risk of extinction as a result of rapid population declines of 80 to more than 90 percent over the previous 10 years (or three generations), a current population size of fewer than 50 individuals, or other factors." It is one of three turtle and tortoise species in the United States to be critically endangered. Although the Biological Resources Report (page 9 in McGinley & Associates 2021) makes the argument that the Mojave desert tortoises in the Black Mountains and in the vicinity of the project are not part of the federally-listed population, we note that the IUCN determination given above is species-based, not population-based, so we contend that Mojave desert tortoises within the project area should be treated as one "of the world's most endangered tortoises."

According to the BLM news release, "The Bureau of Land Management Kingman Field Office has completed an environmental assessment (EA) and is seeking public comment on the proposed Mohave Mine Exploration Project (DOI-BLM-AZ-C010-2022-0006-EA). Mohave USA Gold Corporation (MGC) proposes to conduct a phased mineral exploration program at the Mohave Mine Exploration Project in Northwest Arizona about 40 miles northwest of Kingman, Arizona in the Black Mountains located entirely on public land administered by the U.S. Department of the Interior, BLM, Kingman Field Office. Access to the project site is via US Route 93 traveling about 25 miles north from Kingman, Arizona and then 12 miles west on county-maintained Cottonwood Road to the Project Area. Exploration drilling would be undertaken in phases as geologic and other subsurface information are obtained and evaluated for further drilling. MGC proposes to disturb as many as 93 acres by:

- Constructing up to 600 drill sites with sumps (52 acres);
- Constructing up to 17 miles (90,000 linear feet) of access roads (39.9 acres);
- Constructing one laydown and storage area (0.9 acres); and,
- Constructing up to two groundwater monitoring wells."

Given the cooperative relationship between BLM and other resource agencies, please be sure that the Proponent adheres to pertinent recommendations and implements requirements in the following documents and agreements:

- Arizona Game and Fish Department. 2010. Desert Tortoise Survey Guidelines for Environmental Consultants.
- Arizona Game and Fish Department. 2014. Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects.
- Arizona Interagency Desert Tortoise Team. 2008. Recommended Standard Mitigation Measures for Projects in Sonoran Desert Tortoise Habitat. June 2008.
- Bureau of Land Management. 2012. Desert Tortoise Mitigation Policy. Instructional Memorandum IM-AZ-2012-031.
- 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.

Unless otherwise noted, the page numbers referenced below are from the EA (DOI-BLM-AZ-C010-2022-0006-EA).

We note on page 11, Table 5, that the Exploration Plan of Operations (EPO), for Wildlife, commits to the following: “Project managers, biologist or appropriate delegated authority will conduct site surveys prior to surface disturbing activities to identify potential occupied tortoise burrows/or shelter sites. Flag as occupied sites as necessary and allow wildlife to naturally leave the area as possible. Provide occupancy information to the BLM.” We recommend that the EPO be modified to clarify that these “site surveys” conform to *clearance surveys* as identified in the U.S. Fish and Wildlife (USFWS) Field Manual (USFWS 2009). Unlike the presence-absence surveys (USFWS 2019) performed by McGinley & Associates (2021) biologists, clearance surveys require two passes along transects spaced at 5-meter intervals to ensure tortoises are absent.

On page 24, Table 8, where it reads, “Sonoran Desert tortoise may be encountered on access roads and other temporary use areas due to the presence of suitable habitat throughout the Project Area,” we recommend that the EPO require a 15-mph speed limit in all suitable tortoise habitats. As such, we suggest that the “prudent speed limits” vaguely referenced on page 10 in Table 5 be specifically defined as 15 mph.

Where it reads in Table 8, “While relocation of a Sonoran Desert tortoise could result in minor stress from handling, *injury or mortality of Sonoran Desert tortoises is not anticipated* to occur because of this Project,” [*emphasis added*] we recommend that the EPO clearly state measures to be implemented and reports to be submitted to the BLM if unanticipated injury and/or death does occur. This would include, among other measures, identifying the nearest veterinarian(s) to covered activities to provide first aid to injured tortoises.

Finally, also in Table 8, we read the following statement: “Given the amount of available foraging habitat in the Project Area and surrounding area, and restoration of disturbed areas following exploration activities, *long-term impacts from habitat loss or degradation to Sonoran Desert tortoises or their habitat in the Project Area would be avoided*” [*emphasis added*]. Given our understanding of drill activities and the fact that the EA pertains to Phase 1 exploratory activities, only, we expect that the 52 acres of impacts associated with drilling (see top of page 3) may be restored, however we question the above statement with regards to how “Constructing up to 17 miles (90,000 linear feet) of access roads (39.9 acres),” also documented on page 3, will not result in long-term impacts.

First, we believe that, insofar as possible, it is essential that the Proponent select drill sites devoid of vegetation and even more importantly, that drill sites be situated in areas that can be accessed by existing roads. Creating 17 linear miles of new roads in an area that has been mined since “the late 1800s and early 1900s” (stated on page 3) seems unreasonable, and does not appear to rely on access along existing roads. Given the expense associated with Phase 1 exploratory activities, we anticipate that future phases would include mining and that an unknown number of the 17 miles of newly created roads would be used for those activities, which constitutes a long-term loss of habitat. Although there are vague references to “Re-establish[ing] vegetation in disturbance areas,” there is no clear statement that 17 miles of new roads would be reclaimed or if they will become part of the new road network used for subsequent mining activities. With regards to restoring habitats, we are pleased to share best management practices for restoring arid habitats (Abella and Berry 2016), which will hopefully inform the Proponent and BLM of methods that may facilitate successful revegetation¹.

¹ <https://www.dropbox.com/s/nx1b5m2b5ehya12/%23Abella%20and%20Berry%202016.pdf?dl=0>

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

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.

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Berry, K.H., L.J. Allison, A.M. McLuckie, M. Vaughn, and R.W. Murphy. 2021. *Gopherus agassizii*. The IUCN Red List of Threatened Species 2021: e.T97246272A3150871.
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[BLM] Bureau of Land Management. 2012. Desert Tortoise Mitigation Policy. Instructional Memorandum IM-AZ-2012-031.

McGinley & Associates. 2021. Biological Resources Report, Mohave Mine Exploration Project, Mohave County, Arizona. Prepared for BLM and Black Mountain Gold USA Corp. Reno and Henderson, NV.

[USFWS] U.S. Fish and Wildlife Service. 2009. Desert Tortoise (Mojave Population) Field Manual: (*Gopherus agassizii*). Region 8, Sacramento, California.

[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.

[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.