



DESERT TORTOISE COUNCIL

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Via email only

February 28, 2025

Derek Eysenbach
Bureau of Land Management Yuma Field Office
Attention: Ranegras Plains Energy Center Project
7341 E. 30th Street, Suite A
Yuma, AZ 85365
[BLM AZ CRD Solar@blm.gov](mailto:BLM_AZ_CRD_Solar@blm.gov), deysenbach@blm.gov

RE: Draft Environmental Impact Statement for Ranegras Plains Energy Center (DOI-BLM-AZ-C020-2022-0015-EIS)

Dear Mr. Eysenbach,

The Desert Tortoise Council (Council) is a non-profit organization comprising 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 northern 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.

Both our physical and email addresses are provided above in our letterhead for your use when providing future correspondence to us. When given a choice, we prefer to receive emails for future correspondence, as mail delivered via the U.S. Postal Service may take several days to be delivered. Email is an "environmentally friendlier way" of receiving correspondence and documents rather than "snail mail."

We appreciate this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in habitats potentially occupied by the Sonoran desert tortoise [synonymous with Morafka's desert tortoise (*Gophers morafkai*)], our comments include recommendations intended to enhance protection of this species and its habitat during activities that may be authorized by the Bureau of Land Management (BLM), which we recommend be

added to project terms and conditions in the authorizing documents [e.g., issuance of right-of-way (ROW), management plan and decision document, etc.] as appropriate. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed action.

We equally appreciate that the project consultant, SWCA, contacted the Council directly via email on January 11, 2025 with the availability of the draft environmental impact statement (DEIS). Ed LaRue was able to attend the virtual public meeting on September 26, 2024 after being alerted to the opportunity by the consulting firm of Wood on September 11, 2024. Aside from four BLM, consultant, and proponent personnel, LaRue was the only member of the public to attend this meeting. The Council (2023) provided scoping comments on December 12, 2023, which are incorporated by referenced and provided in the footer below¹.

Importantly, please note that the BLM's eplanning website (<https://eplanning.blm.gov/eplanning-ui/project/2020050/570>), which predates the release of the DEIS states, "The Draft EIS is available for a 45-day-plus comment period through February **28**, 2025 [bold emphasis added]," whereas the second (unnumbered) page of the DEIS states, "All comments must be received no later than 5:00 p.m. on February **24**, 2025 [bold emphasis added]." Given our time constraints, we opt for the published date for submission of February 28 to facilitate adequate internal review by the Council's Board and independent reviewers.

The BLM's eplanning website described the proposed project, in part, as, "Ranegras Plains Energy Center, LLC, [project] a wholly owned subsidiary of Savion, LLC, applied to the Bureau of Land Management (BLM) Yuma Field Office for a right-of-way on public land to construct, operate, and maintain a 700-megawatt (MW) solar photovoltaic and battery energy storage system [BESS]. The proposed project is located approximately 30 miles east of Quartzsite in La Paz County, Arizona, along and south of Interstate 10 near the Vicksburg Road exit. The project consists of solar photovoltaic modules, a battery energy storage system, electrical collection lines, a switchyard, operations and maintenance facilities, access roads, and temporary work areas. The project has a proposed generating capacity of up to 700 MW alternating current and would connect to the regional electrical grid via a proposed 11-mile-long, 500-kilovolt generation-interconnect transmission line (gen-tie) to the Delaney Colorado River Transmission Ten West Link Series Compensation Station. The proposed project would be located in a remote, unpopulated desert and rangeland area west of metropolitan Phoenix in La Paz County, Arizona. The closest residential areas are New Hope, Brenda, and Vicksburg. The application areas cover approximately 5,142 acres of public land administered by the BLM. The project also includes 56 acres of Arizona State Trust land and 6 acres of private land for the gen-tie."

We note that the addition of 5,142, 56, and 6 acres equals 5,204 but that the acreage given on page 1-1 of the DEIS states, "The project would occupy approximately 5,029 acres of BLM-administered, Arizona State Land Department (ASLD) Arizona State Trust, and privately owned land," which is 175 acres less than cited above. We assume that the eplanning figures are incorrect and that the acreage given in the DEIS is accurate.

¹ <https://www.dropbox.com/scl/fi/Isoxzh1dl06uktic8hwm/Ranegras-Plains-Energy-Center-Scoping.12-11-2023.pdf?rlkey=iyon84iz0iskt48zr6jja0j9&dl=0>
Desert Tortoise Council/Comments/Ranegras Plains Energy Center.2-28-2025

Unless otherwise noted, the page numbers referenced below are taken from the DEIS, dated January 2025. The abstract on the unnumbered first page states, “This Draft EIS evaluates three action alternatives and the No Action Alternative. The alternatives involve development within the same project area and they differ with respect to how they approach resource protection and which other uses would be maintained during development. Alternative 1 would involve solar development using a mixture of traditional development methods, which include grading and leveling, mow and grow, mow and prune, and mow and till to remove vegetation from the project area. Alternative 2 would involve the same types of development methods as the Proposed Action, but would maintain existing off-highway vehicle routes that intersect the project area that would be removed from public access or relocated under Alternative 1. Alternative 3 would allow for desert pavement and existing vegetation to remain intact, to the extent feasible, in the project area by using modified preparation, construction, and operations methods to reduce soil erosion from runoff and wind, reduce the likelihood of invasive species introduction and spread, and increase potential reclamation success. The No Action Alternative would be a continuation of existing conditions, and no solar facility would be authorized.”

We appreciate on page ES-3 that the DEIS indicates that alternative sites were considered but rejected, which reflects our recommendations (Council 2023, pages 3 and 4). However, when we review Section 2.9 where alternative lands are listed, we see that the proponent considered only two sites, including one on lands owned by Arizona State Land Department and the other on BLM lands. Why are there no alternatives on private lands? It is our concern that permitting processes by local and state jurisdictions may be relatively more cumbersome and private lands more expensive, which is driving solar developers to lease the Nation’s public lands for this dead-end form of development. So, although two other sites were ostensibly considered, the alternative selection is hampered by this and other solar proponents’ propensity to seek out public lands managed by state and federal governments.

Of the three alternatives, it would appear that Alternative 3 may have the fewest direct impacts because it, “...would include modified site design, preparation, construction, and operations methods, as compared to Alternative 1, to allow for desert pavement and existing vegetation to remain intact, to the extent feasible.” However, when we review the data in Table ES-1 on page ES-6, we find that Alternative 3 would have the same impacts as Alternatives 1 and 2, “...but reclamation would be shorter.” It is not clear to us how Alternative 3 would “...allow for desert pavement and existing vegetation to remain intact,” but still have the same level of impact to threatened and endangered species and many other resources as the other two alternatives, which should be clarified in the Final EIS.

On page 1-6 in Section 1.6.2, the DEIS indicates that the proposed project is subject to decisions in both the *Approved Resource Management Plan Amendments/Record of Decision (ROD) for Solar Energy Development in Six Southwestern States* (2012 Western Solar Plan ROD) (BLM and U.S. Department of Energy [DOE] 2012a) [see DEIS for literature citations) and the *Final Programmatic EIS and Proposed RMP Amendments for Utility-Scale Solar Energy Development* (2024 Utility Scale Solar Energy Development PEIS/RMPA) (BLM 2024a). Section 1.6.2.1 then has an expanded description of how the 2012 Western Solar Plan identified “...exclusion areas for utility-scale solar energy development; priority areas for solar energy development (i.e., solar energy zones [SEZs]); and areas potentially available for utility-scale solar energy development outside of SEZs (i.e., variance areas),” and on page 3-35, we read that the project would occur in the Gillespie and Agua Caliente SEZs.

We do not understand why an analogous description is not provided in Section 1.6.2 for the 2024 Utility Scale Solar Energy Development PEIS/RMPA, which presumably augmented and may have even changed management identified in 2012. Did this recent plan change the designated exclusion areas, SEZs, or variance areas delineated in 2012 or did they remain the same? Were the Gillespie and Agua Caliente SEZs identified in 2012 or 2024? Please add a section in the Final EIS describing how the 2024 plan decision does or does not affect the proposed project.

As mentioned above, LaRue was the sole attendee at a public meeting held on September 26, 2024, however there is no mention of this meeting in Section 1.7.2 of the DEIS. Please clarify in the Final EIS if the exclusion of the meeting from this section was an unintentional oversight or if it was not mentioned because the meeting was poorly attended by the public. For our part, the BLM and consultant personnel provided important information that aided us in drafting this comment letter. We also want to be sure that our concerns expressed during that meeting were noted as part of the public record, which may not be the case if the meeting is not acknowledged in the DEIS.

We read on page 2-12, “Perimeter fencing would be installed around the remainder of the project solar array area and would consist of woven wire fence fabric attached to 7-foot-tall brace posts, with a 6- to 8-inch gap along the bottom to be permeable to small mammals and reptiles.” Did this design consider that tortoises may enter into the fenced project area during the life of the project? We note on page 3-60 that “Such methods [as mowing] would also leave Sonoran desert tortoise foraging intact,” so we assume the fence design is intended to facilitate future use by tortoises. In order to maintain the site’s potential as dispersal habitat for the tortoise (see Table 3.3-4, page 3-58), please be sure that the proponent maintains the eight-inch gap (or larger to accommodate larger tortoises) with sufficient monitoring visits to remove weeds and sand that would otherwise accumulate and impede the fence’s permeability.

Given the following statement on page 3-61, we believe that it is prudent to perform technically-defined “clearance surveys” for tortoises (USFWS 2009) prior to ground disturbance: “Although more mobile special-status wildlife species (i.e., birds, bats, mule deer and mountain lion) would likely be displaced from the active construction area, other less mobile species may remain (i.e., Sonoran desert tortoise), if present, and potentially be crushed or injured by construction equipment.” Please be sure that this requirement is communicated to the proponent so that clearance surveys are an obligatory part of the BLM’s stipulations for the project.

This recommendation is consistent with Measure DF-ECO-16 given in Table A2-1, on page 2-6, in Appendix 2, which states, “Avoid inspection or capping if the materials are stored within the permanently fenced area after completing desert tortoise *clearance surveys* [*emphasis added*].” However, we are concerned that the BLM may be using this term generically. As used in USFWS (2009), a “clearance survey” entails two passes over the survey area along transects spaced at 5-meter intervals to remove all tortoises from harm’s way, which will certainly be an expensive proposition given that up to 5,000 acres of suitable tortoise habitat may be lost. So, our recommendation is that formal clearance surveys be performed, as outlined in USFWS (2009).

This concern is heightened because Measure DF-ECO-46 on page A2-8 refers to “Pre-construction surveys” as though they would be synonymous with formal clearance surveys. So, please be sure to clarify that Measure DF-ECO-46, referring to pre-construction surveys, is actually referring to USFWS (2009) clearance surveys. In fact, it would be preferable to remove the words, “pre-construction surveys” from the text, and replace them with “clearance surveys.” It is inconceivable that up to 5,000 acres of suitable tortoise habitat can be surveyed by “presence-absence” surveys, which require only one pass along transects spaced at 10-meter intervals, much less formal clearance surveys, within 48 hours of ground disturbance as stipulated by Measure DF-ECO-46.

In Appendix 3 on page 3-6, with regards to the following statement, “Vegetation, wildlife, and birds could be injured or killed due to clearing, grading, and trenching, especially wildlife species not mobile enough to avoid construction activities (e.g., reptiles, small mammals) or those that use burrows (e.g., desert tortoise [*Gopherus agassizii*], [bold emphasis added],” here and elsewhere you should correct the species name from *agassizii* to *morafkai* in the Final EIS.

Measure DF-ECO-24 in the same table on page A2-7 states, “Prepare a project specific mitigation and monitoring plan in cooperation with and that meets the approval of permitting agencies and AGFD where applicable. Carry out the plan *during all phases of the project* [emphasis added] to avoid, minimize, or mitigate adverse direct, indirect, and cumulative impacts, including habitat, special status plant, and wildlife species losses. Address at a minimum: Monitoring the potential for increase in predation of special status species (especially desert tortoise) from ravens and other species that are attracted to developed areas and opportunistically use tall structures to spot vulnerable prey.” Please clarify in the Final EIS that “all phases of the project” includes operations and maintenance, and stipulate that raven monitoring will occur for the life of the project through to decommissioning.

We appreciate this opportunity to provide the above comments and trust they will help protect tortoises during any resulting authorized activities. Herein, we reiterate that the 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 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 notify the DTC at eac@deserttortoise.org of any proposed projects that BLM may authorize, fund, or carry out in the range of any species of desert tortoise in the southwestern United States (i.e., *Gopherus agassizii*, *G. morafkai*, *G. berlandieri*, *G. flavomarginatus*) so we may comment on it to ensure BLM fully considers and implements actions to conserve these tortoises as part of its directive to conserve biodiversity on lands managed by BLM.

Please 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

Cc: Heather Whitlaw, Field Supervisor, Arizona Ecological Services Field Office (Phoenix), U.S. Fish and Wildlife Service, heather_whitlaw@fws.gov
Ann McPherson, Environmental Review, U.S. Environmental Protection Agency, mcpherson.ann@epa.gov
Tyler Lindsey, Lower Sonoran Field Office Manager, BLM, tlindsey@blm.gov

Literature Cited

- [Council] Desert Tortoise Council. 2023. Scoping Comments – Ranegras Plains Energy Center Solar Project Environmental Impact Statement, LaPaz County, AZ (DOI-BLM-AZ-C020-2022-0015-EIS). 20-page letter dated December 11, 2023 from the Council to the BLM, attention Derek Eysenbach, Erica Stewart, Celina Martinez. Acton, CA.
- [USFWS] U.S. Fish and Wildlife Service. 2009. Desert Tortoise (Mojave Population) Field Manual: (*Gopherus agassizii*). December 2009. Region 8, Sacramento, California.
<https://www.fws.gov/sites/default/files/documents/Desert-Tortoise-Field-Manual.pdf>