

DESERT TORTOISE COUNCIL

3807 Sierra Highway #6-4514

Acton, CA 93510

www.deserttortoise.org

eac@deserttortoise.org

Via email and BLM NEPA ePlanning Portal

1 August 2022

Adrian Garcia
Bureau of Land Management, New Mexico State Office
301 Dinosaur Trail, Santa Fe, NM 87508
agarcia@blm.gov

RE: SunZia Southwest Transmission Project Draft Environmental Impact Statement and Draft Resource Management Plan Amendment (DOI-BLM-NM-0000-2021-0001-RMP-EIS)

Dear Mr. Garcia,

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 of June 2022, our mailing address has changed to:

Desert Tortoise Council
3807 Sierra Highway #6-4514
Acton, CA 93510.

Our email address has not changed. Both addresses are provided above in our letterhead for receiving future correspondence from you.

We appreciate this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in habitats likely occupied by the Sonoran desert tortoise (*Gopherus morafkai*) (synonymous with Morafka's desert tortoise), our comments pertain to enhancing protection of this species during activities funded, authorized, or carried out by the Bureau of Land Management (BLM) and cooperating agencies, 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.

Proposed Action

SunZia Transmission, LLC (Applicant or SunZia) submitted an application to the BLM and the U.S. Forest Service (USFS) to amend their existing right-of-way on federally managed land for the SunZia Southwest Transmission Project (Project). The proposed amendment includes up to two 500-kilovolt (kV) transmission lines located on lands managed by several federal agencies, as well as state and private lands between Torrance County, New Mexico, and Pinal County, Arizona.

Purpose of the Proposed Action

The BLM is the lead federal agency in the preparation of this Draft Environmental Impact Statement (DEIS) and Draft Resource Management Plan (RMP) Amendment for the SunZia Southwest Transmission Project. In the DEIS, BLM says the purpose of the proposed action is:

- (1) “to increase available transfer capability, including, but not limited to, areas of potential renewable energy generation;
- (2) to assist load-serving utilities in meeting the requirements to address energy delivery obligations and meet state renewable portfolio standards; and
- (3) to alleviate transmission congestion in southern New Mexico.”

To the Council, the first two purposes suggest there are reliable future plans to construct and operate renewable energy (e.g., solar) facilities in Pinal County, Arizona. We request that this connected action be discussed in the Final EIS (FEIS).

Project Description and Alternatives

There are four components that have changed since the issuance of the right-of-way (ROW). These are:

- (1) Approximately 40 miles of localized route modifications in Pinal County, Arizona, and locations in New Mexico;
- (2) Access roads and temporary work areas outside the granted right-of-way in Greenlee, Graham, Cochise, Pima, and Pinal Counties in Arizona, and locations in New Mexico;
- (3) A reroute of the 2015 Selected Route within Socorro, Valencia, and Torrance Counties, New Mexico; and
- (4) The addition of a high-voltage direct-current (HVDC) substation (SunZia West) at a newly identified west-end receiving terminal in Pinal County, Arizona.

The first, second, and fourth component changes would affect SDTs and their habitats. Because the ROW was approved previously, there are no alternatives proposed for these three components.

BLM divided the Project route into several segments. Segment 1, the Pinal Central Substation to Willow 500-kV Substation, begins a few miles north of Eloy, Pinal County, Arizona, and continues east, south, and east along the north slope of the Santa Catalina Mountains and eastern portion of the Rincon Mountains in Pima and Cochise counties. We believe that Segment 1 is the only segment that would be located in habitats occupied by the Sonoran desert tortoise.

Notification to the Desert Tortoise Council

On page 1-7 of the DEIS, BLM says, “The Notice of Intent (NOI) for this project was published in the Federal Register on June 4, 2021, notifying the public of the BLM’s intent to prepare an EIS and RMP amendment...” On November 12, 2019, the Council sent certified letters to BLM district managers in the Phoenix and Gila Districts in which the Council reiterated previous numerous written requests that the Council be considered an affected interest and be notified of proposed actions affecting desert tortoises or their habitats (Attachment). Again, we reiterate this request as we have no record of receiving correspondence of BLM’s June 4, 2021 action. Consequently, we are copying the Director and Arizona State Director with the hope that BLM will honor our request of notification of any future proposed action that BLM authorizes, funds, or carries out that may affect desert tortoise species.

Proposed Action and Alternatives

Page 2-7; Structures for the proposed Project include “Typical 500-kV structure types could be used for the project: guyed lattice, self-supporting lattice, self-supporting tubular, dead-end lattice, dead-end tubular, and dead-end tubular.” We recommend that structures/towers that facilitate nesting locations for common ravens, a known predator of the Sonoran desert tortoise (e.g., lattice structure), not be used for construction of the proposed Project in/near tortoise habitat. This would reduce one indirect impact of the proposed Project to the tortoise, which is increased predation pressure.

Affected Environment and Environmental Consequences

On pages 3-40 and -41, BLM says, “The impact indicators used for this analysis are:

- Acres of permanent disturbance in native vegetation communities
- Acres of temporary disturbance in native vegetation communities
- Miles of native vegetation communities crossed by project features.”

While these impact indicators are helpful in assessing the direct impacts to vegetation communities, they do not consider the indirect impacts to vegetation communities, especially degradation to these communities, such as (1) fugitive dust affecting the ability of nearby vegetation to grow and reproduce (Sharifi et al. 1997, 1999), and (2) alteration of surface hydrology (Lovich and Bainbridge 1999) affecting survival of established vegetation, and increases in non-native invasive plant species.

When quantifying the impacts of the proposed Project to vegetation communities used by the Sonoran desert tortoise, the Council requests that indicators of these and other indirect impacts be added to the list of indicators and used in the analysis of impacts of the proposed Project to Sonoran desert tortoise habitats. These impacts would then be mitigated with appropriate and effective measures to comply with BLM policy and guidance (BLM 2021a, 2021b) that would be described in the FEIS.

On page 3-72, BLM says, “A Noxious Weed Management Plan would be developed in conjunction with the POD to describe how noxious weeds will be managed.” We request that BLM require the development and implementation of a science-based Non-native Plants Species Management Plan that complies with the requirements in BLM’s Mitigation Manual/Handbook (BLM 2021a, 2021b) with respect to the habitats of the Sonoran desert tortoise.

On page 3-103, BLM says, “The following assumptions were used to analyze impacts to Sonoran desert tortoise Category 3 habitat:

- Surface-disturbing activities would reduce the quantity or quality of Sonoran desert tortoise habitat and negatively affect individual tortoises in those areas, depending on the amount of area disturbed.

The impact indicator used for this analysis is:

- Miles of permanent ground disturbance in Category 3 habitat.
- Acres of ground disturbance from permanent and temporary project activities in Category 3 habitat, compared with available habitat within the analysis area.”

While these assumptions and indicators may be appropriate to determine direct impacts to the Sonoran desert tortoise/tortoise habitat, they do not include the myriad of indirect impacts to the tortoise caused by surface disturbance and vehicle assess, both authorized and unauthorized, that would occur. These indirect impacts to the Sonoran desert tortoise (USFWS 2022) include but are not limited to:

- *Altered plant communities from the introduction and spread of non-native vegetation*
These altered plant communities are increasing across the Sonoran Desert in Arizona, largely because of human disturbance. The result is a reduction of forage availability, particularly of high-nutrition native plants; a reduction in fitness of individual desert tortoises; and an increase of time and energy spent in foraging activities, and, therefore, increased predation risk.
- *Altered fire regimes*
The frequency and magnitude of wildfire has shifted with the colonization by nonnative vegetation in the Sonoran Desert and the predominance of human-caused ignition sources causing fire. In areas invaded by nonnative invasive vegetation, the density of fine fuels increases while open space between vegetation decreases, causing increases in fuel loads, fire behavior and, ultimately, in the fire regime (= increases in fire frequency, acreage burned, and intensity). Many native plants are ill-adapted to fire and generally fare very poorly in response to burning. These fires also cause nutrient deficiencies for tortoises as well as the loss of cover that is needed for protection from temperature extremes and predators.
- *Increased human-tortoise interactions*
Inadvertent interactions can occur through activities such as off-highway vehicle use and outdoor recreation. Other forms of human interaction are direct and intentional, such as collection, release of captive individuals into wild populations, or physical handling.

The indirect impacts to the Sonoran desert tortoise and vegetation communities used by the tortoise are exacerbated by the effects of climate change. Current climate change models predict that these effects will worsen during the 50-year life of the proposed Project. Consequently, this change in the foreseeable future should be an added factor when calculating the indirect impacts to the Sonoran desert tortoise from the proposed Project in the FEIS.

When quantifying the impacts of the proposed Project to the Sonoran desert tortoise, the Council requests that indicators of these and other indirect impacts be added to the list of indicators, and used in the analysis of impacts of the proposed Project to Sonoran desert tortoise. These impacts

would them be addressed with appropriate and effective mitigation (BLM 2021a, 2021b) that would be described in the FEIS. Note that BLM Manual (2021a) says, BLM will... “require mitigation, to address reasonably foreseeable impacts, whether or not the impacts are ‘significant.’”

Environmental Protection Measures

Appendix C of the DEIS “provides a full list of design features and applicant-committed environmental protection measures (EPMs).”

In Appendix C-1, BLM says, the “BLM Right-of-Way (ROW) Grant issued in September 2016 included additional requirements” such as “development of a Migratory Bird Conservation Plan.” Compensatory mitigation measures under the Migratory Bird Conservation Plan can include “acquisition of conservation lands or easements, additional research and monitoring, and other means of compensation to replace migratory bird habitat service losses.” We recommend the Applicant implement similar requirements for the Sonoran desert tortoise. This requirement would be in keeping with BLM’s mitigation policy and guidance (BLM 2021a, 2021b) for sensitive species/resources, which includes the Sonoran desert tortoise (BLM 2017).

In Appendix C-1 and 2, BLM says, “The BLM requires mitigation measures and conservation actions to achieve land use plan goals and objectives and provide for sustained yield of natural resources on public lands, while continuing to honor the agency’s multiple-use missions.” The Council fully supports BLM’s recognition of its obligations under the Federal Land Policy and Management Act (FLPMA) to provide for sustained yield of natural resources on public lands, particularly for the Sonoran desert tortoise and its habitat. As stated in the BLM Mitigation Manual, “the BLM should use the best available science, implemented mitigation measures, and associated effectiveness monitoring to implement, or require the responsible party to implement, consistent with applicable law, adaptive management of mitigation measures to reduce uncertainty and achieve the required mitigation outcomes” (BLM 2021:2-9).

We support BLM in its efforts to manage public lands for the survival and conservation of the tortoise and implementation of science-supported effective mitigation. “When applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness and durability of the mitigation” (BLM 2021). The Council requests that BLM ensure that these requirements are implemented for all direct, indirect, and cumulative impacts to the Sonoran desert tortoise from the proposed Project.

In Appendix C-5, BLM says, “Preconstruction surveys for species listed under the ESA [Endangered Species Act] or specified by the appropriate land management agency as sensitive or of concern would be conducted in areas of known occurrence or suitable habitat.” “Monitoring of construction activities would be required in some areas to ensure that effects to these species are avoided during construction.” We request that this Design Feature be applied to the Sonoran desert tortoise and explicitly required in the FEIS.

In Appendix C-5, BLM says, “Preconstruction native plant inventories and surveys for noxious weed species as stipulated by the appropriate land-administering agency would also be conducted once transmission line centerline, access roads, and tower sites have been located.” We request that this Design Feature be expanded in the FEIS to include non-native invasive plant species, as their occurrence and proliferation have numerous impacts on native flora and fauna at a local and landscape levels, one of which is providing fuel to carry wildfires in the Sonoran Desert and semi-desert grasslands in Sonoran desert tortoise habitats (Gray et al. 2014, Shryock et al. 2015).

In Appendix C-5, BLM says, “EPM (mitigation) effectiveness would be monitored – annual reporting may be required.” We consider this statement to be so broad as to not be meaningful. As stated in the BLM (2021a) Mitigation Manual, “BLM should establish clearly defined and measurable outcomes for those [mitigation] measures.” Consequently, we request that the FEIS include a mitigation plan with effectiveness monitoring and adaptive management that complies with the BLM Manual with respect to listed and sensitive species including the Sonoran desert tortoise.

In Appendix C-6, BLM says, “Overland access (i.e., drive-and-crush or cut-and-clear) would be used to the greatest extent possible in areas where no grading would be needed to access work areas.” While this method has advantages over grading an access road, it also increases the likelihood that a Sonoran desert tortoise would be killed or injured from a vehicle strike, as they are difficult to see. We recommend that when overland access is used in potential Sonoran desert tortoise habitats, the routes should be walked by a biologist just prior to vehicles use. The biologist should be experienced in successfully locating Sonoran desert tortoises and relocating them out of harm’s way.

In Appendix C-7, BLM says, “All new access roads not required for maintenance would be permanently closed using the most effective and least environmentally damaging methods appropriate to that area (e.g., stock piling and replacing topsoil, or rock replacement), with concurrence of the landowner or appropriate land management agency. This would limit new or improved accessibility into the area.” “To minimize disturbance to sensitive habitats or resources, access roads required for operations purposes would be gated or otherwise blocked from public access. Fences would meet BLM or other applicable agency/owner specifications.”

The Council thanks BLM for including these EPMs as requirements for this Project and requests that the FEIS identify assurances that these EPMs will be applied in habitats for the Sonoran desert tortoise. These EPMs are needed to eliminate or substantially reduce the “human access” impacts of tortoise collection, vehicle kills, vandalism, proliferation of invasive plant species, and source of human-caused fires (Brooks and Matchett 2006). In addition, regular monitoring of these measures should be required in the FEIS to ensure they are effective in achieving their purpose.

In Appendix C-7, BLM says, “Modified tower design or alternate tower type would be used to minimize ground disturbance, operational conflicts, visual contrast, and/or avian conflicts.” The illustration shows four drawings of three types of towers. We are unable to determine which design/type of tower would be used in the proposed Project. Please clarify this information in the FEIS. As mentioned above under **Proposed Action and Alternatives**, we request that

structures/towers that facilitate nesting locations for avian predators of the Sonoran desert tortoise (e.g., lattice structures) not be used for construction of the proposed Project in/near tortoise habitat. In Appendix C-9, BLM says, “construction, restoration, maintenance, and termination activities in designated areas would be modified or discontinued during sensitive periods (e.g., nesting and breeding periods) for candidate, proposed threatened and endangered, or other sensitive animal species.” Because the Sonoran desert tortoise is a BLM sensitive species in Arizona (BLM 2017), we request that BLM ensure this EPM is applied in tortoise habitats.

Appendix C-12 contains a list of literature cited in Appendix C. The Council requests that the actions/recommendations in the Candidate Conservation Agreement for the Sonoran Desert Tortoise (USFWS et al. 2015), Desert Tortoise Survey Guidelines (AGFD 2010), Guidelines for Handling Sonoran Desert Tortoises (AGFD 2014), and Recommended Standard Mitigation Measures for Projects in Sonoran Desert Tortoise Habitat (Arizona Interagency Desert Tortoise Team 2008) be followed and referenced in Appendix C and the FEIS.

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

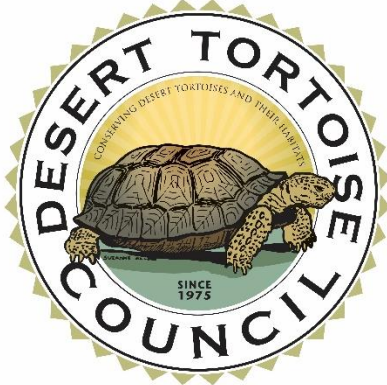
cc: BLM Director, Tracy Stone-Manning, tsstonemanning@blm.gov
BLM Deputy Director of Policy, Nada L. Culver, nculver@blm.gov
BLM Arizona State Director, Raymond Suazo, rsuazo@blm.gov

Literature Cited

Arizona Game and Fish Department. 2010. Desert Tortoise Survey Guidelines for Environmental Consultants, June 2010. <https://s3.amazonaws.com/azgfd-portal-wordpress/PortalImages/files/wildlife/2010SurveyguidelinesForConsultants.pdf>.

Arizona Game and Fish Department. 2014. Guidelines for handling Sonoran desert tortoises encountered on development projects. Arizona Game and Fish Department, Revised September 22, 2014. <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. 2017. Updated Bureau of Land Management Sensitive Species List for Arizona. Arizona Instructional Memorandum AZ-IM-2017-009. March 1, 2017.
- [BLM] Bureau of Land Management. 2021a. Mitigation Manual (MS-1794). Bureau of Land Management, September 22, 2021. https://www.blm.gov/sites/default/files/docs/2021-10/IM2021-046_att1_0.pdf
- [BLM] Bureau of Land Management. 2021b. Mitigation Handbook (H-1794-1). https://www.blm.gov/sites/default/files/docs/2021-10/IM2021-046_att2.pdf.
- Brooks, M.L., and J.R. Matchett. 2006. Spatial and temporal patterns of wildfires in the Mojave Desert, 1980–2004. *Journal of Arid Environments* 67 (2006) 148–164.
- Gray, M.E., B.G. Dickson, and L.J. Zachmann. 2014. Modelling and mapping dynamic variability in large fire probability in the lower Sonoran Desert of south-western Arizona. *International Journal of Wildland Fire* 2014, 23, 1108–1118.
- Lovich, J.E., and D. and Bainbridge. 1999. Anthropogenic degradation of the southern California desert ecosystem and prospects for natural recovery and restoration. *Environmental Management* Vol. 24, No. 3, pp. 309–326.
- Sharifi, M.R., A.C. Gibson, and P.W. Rundel. 1997. Surface Dust Impacts on Gas Exchange in Mojave Desert Shrubs. *Journal of Applied Ecology* 34(4): 837–846.
- Sharifi, M.R., A.S. Gibson, and P.W. Rundel. 1999, Phenological and physiological responses of heavily dusted creosote bush (*Larrea tridentata*) to summer irrigation in the Mojave Desert: *Flora*, v. 194, p. 369–378.
- Shryock, D.F., T.C. Esque, and F.C. Chen 2015. A 30-year chronosequence of burned areas in Arizona—Effects of wildfires on vegetation in Sonoran Desert Tortoise (*Gopherus morafkai*) habitats: U.S. Geological Survey Open-File Report 2015-1060, 61 p., <http://dx.doi.org/10.3133/ofr20151060>.
- [USFWS] U.S. Fish and Wildlife Service. 2022. U.S. Fish and Wildlife Service Species Assessment and Listing Priority Assignment Form. [regulations.gov](https://www.regulations.gov), Docket (FWS-R2-ES-2021-0153). [Docket \(FWS-R2-ES-2021-0153\)](https://www.regulations.gov/docket/FWS-R2-ES-2021-0153).
- [USFWS et al.] U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, National Park Service, Department of Defense, Customs and Border Protection, U.S. Forest Service, Natural Resources Conservation Service, Arizona Game and Fish Department, and Arizona Department of Transportation. 2015. Candidate Conservation Agreement for the Sonoran Desert Tortoise (*Gopherus morafkai*) in Arizona. May 27, 2015. <https://www.blm.gov/sites/blm.gov/files/policies/IMAZ-2016-004-a1.pdf>.



ATTACHMENT

DESERT TORTOISE COUNCIL

4654 East Avenue S #257B

Palmdale, California 93552

www.deserttortoise.org

eac@deserttortoise.org

CERTIFIED MAIL

November 12, 2019

Anthony (Scott) Feldhausen
District Manager
Gila District Office
Bureau of Land Management
3201 East Universal Way
Tucson, AZ 85756

William Mack, Jr., District Manager
Colorado River District
Bureau of Land Management
1785 Kiowa Ave
Lake Havasu City, AZ 86403

Leon Thomas, District Manager
Phoenix District Office
Bureau of Land Management
21605 North 7th Avenue
Phoenix, AZ 85027-2929
Phoenix, AZ 85027-2929

Michael Herder, District Manager
Arizona Strip District
Bureau of Land Management
345 East Riverside Drive
St. George, UT 84970-6714

RE: Reiteration of the Desert Tortoise Council's Previous Requests as An Affected Interest for Notification of Bureau of Land Management Proposed Actions Affecting the Desert Tortoises or Habitats

Dear Mr. Feldhausen, Mr. Thomas, Mr. Mack, and Mr. Herder:

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons throughout the United States and other countries. Council members share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of the three species of desert tortoises. 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.

The Council has submitted written comments on numerous proposed actions by the Bureau of Land Management (BLM) within the range of two species of desert tortoises (i.e., *Gopherus agassizii* synonymous with “Mojave desert tortoise” and *Gopherus morafkai* synonymous with Sonoran desert tortoise).RE: Reiteration of the Desert Tortoise Council’s Previous Requests as An Affected Interest for Notification of Bureau of Land Management Proposed Actions Affecting the Desert Tortoises or Habitats

Dear Mr. Feldhausen, Mr. Thomas, Mr. Mack, and Mr. Herder:

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons throughout the United States and other countries. Council members share a common concern for wild desert tortoises and a commitment to advancing the public’s understanding of the three species of desert tortoises. 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.

The Council has submitted written comments on numerous proposed actions by the Bureau of Land Management (BLM) within the range of two species of desert tortoises (i.e., *Gopherus agassizii* synonymous with “Mojave desert tortoise” and *Gopherus morafkai* synonymous with Sonoran desert tortoise).

In the last few years, the Council provided written comments on numerous BLM proposed actions in the range of the Mojave and Sonoran desert tortoises. Some of these proposed actions in Arizona are listed below:

In 2019:

- 2019/8/16 - Environmental Assessment (DOI-BLM-UT-C030-2017-0063-EA) for Rocky Mountain Power Powerline Upgrade Project and City of St. George Waterline Development Project Red Cliffs National Conservation Area

In 2018:

- 2018/11/29 - Ten West Link Draft Environmental Impact Statement (DEIS) and Draft Resource Management Plan Amendments (DEIS) (DOI-BLM-AZ-C020-2016-0010-EIS)
- 2018/5/08 - Draft Buckeye Hills Travel Management Plan, Pinal and Maricopa Counties, Arizona
- 2018/3/07 - Scoping Comments for the Lower Colorado River Travel Management Plan 03/07/18
- 2018/2/13 - Environmental Assessment (EA) for the Lower Centennial Complex

In 2016:

- 2016/2/12 - Pakoon Springs Public Use Environmental Assessment (DOI-BLM-AZ-A030-2016-0004-EA)
- 2016/9/22 - Pakoon Springs Public Use Environmental Assessment (DOI-BLM-AZ-A030-2016-0004-EA)

In each comment letter to the BLM, the Council asked “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 Project is provided to us at the contact information listed above.” The contact information is contained in the letterhead of these comment letters, eac@deserttortoise.org.

The Council believes this language was clear to the BLM and that the Council as an Affected Interest was to be notified of BLM proposed actions that may affect species of desert tortoises. However, the Council did not learn about any of these proposed actions from the BLM, but from several third parties. Given the numerous requests the Council has submitted to project officials at BLM field offices in Arizona in the last few years to be identified as an Affected Interest, we are puzzled as to why we did not (and do not) receive notification from the Gila District Office, the Phoenix District Office, Colorado River District Office, Arizona Strip District Office or any of the field offices within these Districts of any proposed actions on BLM lands in Arizona. Consequently, we are elevating our request to you as the District Managers in Arizona.


Our request for the BLM to notify the Council of these proposed actions is based on federal regulations and BLM’s handbook. According to 40 CFR 1500.2, “federal agencies shall to the fullest extent possible encourage and facilitate public involvement in decisions which affect the quality of the human environment.” This public involvement is further discussed in 40 CFR 1506.6, which says, “Agencies shall make diligent efforts to involve the public in preparing and implementing their National Environmental Policy Act (NEPA) procedures. The agency should request comments from the public and should *affirmatively solicit comments* [emphasis added] from those persons or organizations who may be interested or affected.”

The BLM NEPA Handbook states, “A primary goal of public involvement is to ensure that all interested and affected parties are aware of your proposed action. Knowing your community well is the first step in determining the interested and affected parties and tribes. You may already have a core list of those interested in and potentially affected by the BLM’s proposed actions; this may provide a good starting point” (section 6.9.1). The Handbook also states under Environmental Assessments “The EA must list tribes, individuals, organizations, and agencies consulted (40 CFR 1508.9(b))” (section 8.3.7).

We urge the BLM to comply with these directives. With this letter, the Council requests that you ensure that the BLM notifies the Council in a timely manner (e.g., prior to the first day of the public comment period) of any proposed action in the Gila District, Phoenix District, Colorado River District, or Arizona Strip District that may affect the Mojave desert tortoise, Sonoran desert tortoise or their habitats. This includes any action that may affect, either directly or indirectly, these species. If the BLM is unwilling or unable to do this, we request that it provide a written response to the Council explaining why it is unable to honor this request to comply with federal regulations and the BLM NEPA Handbook.

Should you have any questions regarding this request, please contact me at the contact information on the Council’s letterhead above.

Regards,



Edward L. LaRue, Jr., M.S.

Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

cc: Jayme Lopez, Field Manager – Tucson Field Office
Ed Kender, Field Manager – Lower Sonoran Field Office
Angie Meece, Acting Field Manager – Hassayampa Field Office
Amanda Dodson, Field Manager – Kingman Field Office
Aron King, Field Manager – Yuma Field Office
Jason West, Field Manager – Lake Havasu Field Office
Lorraine Christian, Field Manager – Arizona Strip Field Office
Mark Wimmer, Manager – Grand Canyon-Parashant National Monument

Literature Cited

Bureau of Land Management. 2008. National Environmental Policy Act Handbook. Handbook H-1790-1. January 2008.
https://www.blm.gov/sites/blm.gov/files/uploads/Media_Library_BLM_Policy_Handbook_h1790-1.pdf