



**DESERT TORTOISE COUNCIL**

4654 East Avenue S #257B  
Palmdale, California 93552

[www.deserttortoise.org](http://www.deserttortoise.org)  
[eac@deserttortoise.org](mailto:eac@deserttortoise.org)

**Via email only**

22 December 2020

Mr. Brian Buttazoni  
U.S. Department of the Interior  
Bureau of Land Management  
Hassayampa Field Office  
21605 North 7th Avenue  
Phoenix, Arizona 85027  
[BLM\\_AZ\\_PDO\\_PDOEA@blm.gov](mailto:BLM_AZ_PDO_PDOEA@blm.gov)

RE: Draft Environmental Assessment for Table Mesa at I-17 Communication Site in Maricopa County, Arizona (DOI-BLM-AZ-P010-2020-0018-EA)

Dear Mr. Buttazoni,

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 the location of the proposed project in habitats likely occupied by Sonoran desert tortoise (*Gopherus morafkai*) (synonymous with "Morafka's desert tortoise"), our comments pertain to enhancing protection of this species during activities authorized by the Bureau of Land Management (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.

First, we would like to thank BLM for contacting us directly by email on December 9, 2020 to give the Council this opportunity to comment. Unless otherwise noted (e.g., Appendix B, Biological Resource Report), all referenced page numbers are from the Draft Environmental Assessment (Draft EA), dated December 2020, and entitled “Table Mesa at I-17 Communication Site in Maricopa County, Arizona, Draft Environmental Assessment” (DOI-BLM-AZ-P010-2020-0018-EA).

The following project description is given on page 1: “InterConnect Towers, LLC (ICT or Applicant), has submitted a right-of-way (ROW) application pursuant to the Federal Lands Policy and Management Act (FLPMA) and a Draft Plan of Development (POD) (InterConnect Towers LLC 2020) for the Table Mesa Interstate 17 (I-17) Communication Site (Project) to construct, operate, maintain, and decommission a communication site and access road on public lands administered by the Bureau of Land Management (BLM). The Applicant seeks to provide improved broadband and cellular communication capability within and around the I-17 corridor and surrounding BLM lands south of Black Canyon City and north of New River, Arizona. I-17 is a heavily traveled roadway that carries regional traffic between northern Arizona and Phoenix, Arizona.”

Since BLM is a signatory to the Candidate Conservation Agreement for the Sonoran Desert Tortoise in Arizona [U.S. Fish and Wildlife Service (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)].

Given this responsibility, we believe Section 1.5 on page 3, which lists six bulleted items pertaining to “Relationships to Statutes, Regulations, Manuals, and Other Plans” should be augmented to include the following additional five guidelines, standards, policies, and agreements that apply to this project, and should be added to the Final EA (Note: “Draft EA” implies there will be a final, and if a physical document is not produced, please be sure to consider and implement our recommendations as if they were written in a Final EA):

- 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. 2008. Special Status Species Management – Manual 6840.
- 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.

Given that the Sonoran desert tortoise is currently designated as a Candidate species for federal listing as of July 2020<sup>1</sup>, 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.

For example, 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 potential 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 facilities and access road construction and habitat lost/degraded from indirect impacts resulting from project activities.

Although the project impact is relatively small, affecting approximately 1.78 acres of BLM Category II Sonoran desert tortoise habitat, it has several components that concern us, including use of an existing improved, unpaved road (18,838 feet long and 3.48 acres), construction of a new improved road approximately 2,926 feet long and 14 feet in width within a 30-foot ROW (affecting 0.94 acres), and construction of a 180-foot tall self-supporting, three-legged, lattice-type tower. We believe that our concerns would be addressed by implementing the prudent measures that follow.

We find that the Applicant-proposed mitigation (APM) measures given in Appendix B, Table 4, pages 15 through 18 are thorough and appropriate. However, as written they pertain only to initial construction. We recommend that the following APM measures also be required throughout the life of the project, during operations and maintenance (O&M) activities: GM-2 (15 mph speed limit), DT-3 (annual desert tortoise education program for O&M personnel), DT-7 (checking under vehicles for tortoises when parked outside fenced areas and prohibitions against driving off roads), DT-8 (maintaining a litter-free site with regular trash removal), and DT-10 (reporting dead tortoises to the BLM and providing veterinary services for tortoises injured by project-related activities).

Common ravens are mentioned on pages 15 and 18 in Appendix B as being attracted to improperly disposed food waste and on page 18 in the Draft EA in a similar context, but neither the Draft EA nor APM measures in Appendix B address our concern that ravens may nest on the new latticed tower, which may provide ideal substrates for nesting. As such, we ask that the project proponent work with BLM and/or USFWS to monitor for raven nests, remove them before eggs are laid, and if laid, acquire a depredation permit or other authorization to remove eggs or chicks from the nest. Another alternative would be to design the tower and associated structures such that ravens are not able to use them as a nesting substrate, and periodically monitor the tower during the nesting season to ensure the effectiveness of the design.

---

<sup>1</sup> The USFWS currently lists the Sonoran desert tortoise as a Federal Endangered Species Act Candidate online, but does not provide a Federal Register citation or other documentation supporting that status (October 2, 2020).

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**

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. 2008. Manual 6840 – Special Status Species Management. December 12, 2008. Washington, D.C.

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.

### **Attachments**

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