



Attn: Whitney Wirthlin
BLM Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

Nicholas Pay, BLM Pahrump Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

Nevada BLM State Director Jon Raby
Bureau of Land Management
1340 Financial Blvd. Reno, NV 89502

Via email: blm_nv_sndo_yellowpine@blm.gov, wwirthli@blm.gov, npay@blm.gov,
jraby@blm.gov

September 6, 2020

RE: Yellow Pine Solar Project Final Environmental Impact Statement DOI-BLM-NV-S010-2017-0110-EIS

Dear Ms. Wirthlin,

The Desert Tortoise Council (DTC), Basin and Range Watch (BRW), Western Watersheds (WWP) submitted comments on the proposed 500-megawatt Yellow Pine Solar Project which would develop approximately 3,072.5-acres of Federally Threatened Agassiz's desert tortoise habitat and prime Mojave yucca stands in Pahrump Valley, Nevada.

In reviewing the final EIS, we see our BRW-WWP comment listed in the response to comments section.

The DTC emailed a comment letter on the draft Environmental Impact Statement (EIS), dated May 1, 2020 (attached). But we do not see DTC's comment listed or responded to.

We called the Southern Nevada BLM office and inquired about this, and BLM told us they did not have the letter.

Proof of the email is also attached.

Appendix I in the final EIS states that the BLM received 13 comments from organizations, but only documents 12 comments. We suspect this lost comment was DTC's.

The failure to include DTC's comment in the response to comments section of the final EIS is a failure on the part of the BLM. We request a formal written response to these comments on significant impacts to the tortoise from construction of this solar project, and a supplemental analysis under the National Environmental Policy Act (NEPA).

Agencies are obligated to respond to substantive comments under Section 1503.4. An agency must state what its response was, and if the agency decides that no substantive response to a comment is necessary, it must explain briefly why. An EIS may be supplemented at any time during the review process, if significant environmental impacts were not evaluated in the EIS. 23 CFR § 771.130(a)

In Appendix I at 500, BLM states in an email that our letter, BRW and WWP's letter was almost lost in a junk email folder.

We request a supplemental EIS be completed to properly analyze the significant impacts raised by DTC's lost comment.

Sincerely,



Ed LaRue
**DESERT TORTOISE
COUNCIL**

4654 East Avenue S #257B
Palmdale, California 93552
www.deserttortoise.org
eac@deserttortoise.org



Kevin Emmerich
Co-Founder

Basin and Range Watch

PO Box 70
Beatty NV 89003
775-553-2806, emailbasinandrange@gmail.com, www.basinandrangewatch.org



Laura Cunningham
California Director
Western Watersheds Project
Cima CA 92323
Mailing: P.O. Box 70
Beatty NV 89003

Copied below is a screen shot of the original email from May 1st, 2020 where the Desert Tortoise Council submitted their comments.

-----Original Message-----
From: Ed LaRue <ed.larue@verizon.net>
To: blm_nv_sndoyellowpine@blm.gov <blm_nv_sndoyellowpine@blm.gov>
Sent: Fri, May 1, 2020 2:01 pm
Subject: Yellow Pine Solar Project (DOI-BLM-NV-S010-2017-0110-EIS)

Mr. Herman Pinales,

Please find attached our current comment letter, several recent ones including our 2018 scoping comments for this project with many persisting unresolved issues, and a few other attachments we offer for the record. Good luck with your planning efforts.

Regards,

Ed LaRue
Desert Tortoise Council
Ecosystems Advisory Committee

5 Attachments

