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**SENT VIA EMAIL ONLY**

December 13, 2019

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**Re: Request for Extension by 45 Days of Scoping Comment Period on  
Notice of Intent To Prepare an Environmental Impact Statement To  
Consider a Highway Right-of-Way With Associated Issuance of an  
Incidental Take Permit, and Resource Management Plan Amendments,  
Washington County, UT Docket No. 20X LLUTC03000 L14400000 ER0000  
LXSSJ0740000; UTU-93620; 13-08807**

Dear Mr. Roberson, Ms. Walsh, and Ms. Tibbetts:

On behalf of our organizations, members, and other members of the public, we hereby respectfully request the Bureau of Land Management (BLM) and U.S. Fish and Wildlife Service (FWS) extend by 45 days the public scoping comment period pertaining to the preparation of an Environmental Impact Statement (EIS) for the so-called Northern Corridor Highway and associated actions. The current scoping comment period is inadequate because of the lack of publicly available information, the complexity of the proposed project and associated actions, and the context and intensity of the potential environmental consequences of approval of the Northern Corridor Highway and associated plan amendments.

An extension is necessary first because BLM and FWS have not yet made available to the public all information necessary to formulate full and complete scoping comments. For example, the BLM just disclosed to the public on December 10, 2019 – fully six days into the public scoping period – the 44-page Plan of Development (POD) for the Northern Corridor Highway—which provides critical information on roadway design, construction, maintenance and mitigation. Yet, BLM neglected to disclose the full POD, and has withheld from the public Appendices A-C. In the absence of this information the public lacks the basic information upon which to make informed public comments, including the legal description of the Right-of-Way and list of landowners, the detailed maps of the proposed right-of-way, and the draft development standards for Washington Parkway from Red Hills Parkway to I-15 Exit 13, and project design criteria.

In addition, BLM and FWS have failed to disclose to the public other key documents, too, including UDOT’s application to BLM for a right-of-way (ROW), proposed modifications to the Washington County Habitat Conservation Plan, proposed Incidental Take Permit, and other key data needed to inform public comments. BLM and FWS’s refusal to disclose this information is particularly problematic here because we understand BLM and/or FWS have these documents readily available.

We have independently sought to obtain and review these documents and other relevant information consistent with the above-cited NOI. *See* 84 Fed. Reg. 66692 (Dec. 5, 2019) (noting that “[d]ocuments pertinent to this proposal may be examined at the BLM St. George Field Office . . . , and FWS Utah Ecological Services Field Office [in West Valley].”). Indeed, we reached out to BLM on several occasions since the publication of the NOI to request access to all “documents pertinent to this proposal,” and we have been told by BLM that no additional information will be made available at this time.<sup>1</sup>

Conserve Southwest Utah (CSU) has also sought to obtain this information from BLM and FWS via Freedom of Information Act requests. *See, e.g.*, FOIA No. BLM-2019-00720; BLM-2019-00716; FOIA UT-2019-51; FOIA 1278 (UT-952); and FWS-2019-00744. Indeed, CSU has even streamlined its original FOIA requests “in the interest of efficiency and out of respect for government time.” *See, e.g.*, FOIA Request from T. Tucci to K. Alexander, M. Hedrick, K. Rigtrup, and D. Ferris Rowley (BLM) dated May 31, 2019; FOIA Request from T. Tucci to C. Willis, S. Cummins, and L. Crist (U.S. Fish and Wildlife Service) dated May 31, 2019. To date, BLM has failed to provide any responsive documents as required under FOIA.

As you are well aware, BLM is required to make available to the public all information needed to inform robust public participation and comment, and BLM and FWS cannot restrict this

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<sup>1</sup> We have also repeatedly requested access to the Draft HCP, as needed to inform our comments on the Northern Corridor Highway proposal, including at the June 25, 2019; July 23, 2019; September 24, 2019; and October 22, 2019 Habitat Conservation Advisory Committee (HCAC) meetings. We were repeatedly told that the draft HCP would be available for public review **before** the Northern Corridor Highway scoping period closed.

information. For this reason, alone, BLM and FWS must extend the public scoping comment period until after it has disclosed all relevant information.

BLM and FWS must also extend the scoping comment period in this case because the scope of the proposed action is vague and unclear, thereby inhibiting informed public participation. For example, the language of the NOI does not indicate the full scope of activities under review that may result in the “take” of the threatened Mojave desert tortoise, and whether these activities are limited to the Northern Corridor Highway only or whether the activities under review include other mitigation associated with the continued growth and development of cities in Washington County. Additionally, the NOI addresses the 1.75-mile section of ROW which crosses BLM lands, but fails to address the remaining 2.25 miles of ROW which would cross lands administered by the Utah School and Institutional Trust Lands Administration (SITLA), Utah Division of Wildlife Resources (UDWR), and Private and County inholdings inside critical habitat of the Red Cliffs Desert Reserve. In the absence of a clearly defined proposed action, the public cannot be reasonably be expected to submit informed comments.

In all likelihood, BLM and FWS’s inability to clearly identify and define the proposed action requires the publication of a supplemental NOI and new scoping period, but, at a minimum, the agencies must permit the public additional time to untangle the ill-defined proposed action.

BLM and FWS should also grant this extension request based on the complexity of the project and associated actions. UDOT’s application for a right-of-way to construct the Northern Corridor Highway triggers three closely related proposed plan amendments with far-reaching impacts to the environment, economy, and community. The breadth and scope of the potential impacts – including impacts to the threatened Mojave desert tortoise, the Red Cliffs National Conservation Area, and the Red Cliffs Desert Reserve – warrants careful review, and the public cannot be reasonably be expected to provide comments on a project of this nature and scope within 30-days – even if BLM and FWS had provided full disclosure of all relevant documents.

BLM has previously recognized the need for an extended public scoping period in similarly complex decisions. For example, BLM allowed a more expansive public scoping period in response to the revisions of the Desert Renewable Energy Conservation Plan (DRECP). In that case, BLM is proposing to modify and amend only one resource management plan, whereas here BLM is proposing to amend two resource management plans, a habitat conservation plan, and an incidental take permit, among other decisions. This case, like the DRECP case, warrants an extended scoping period, and BLM and FWS must allow an additional 45 days (assuming full and complete disclosure of all relevant information) for adequate public review and comment.

Finally, the current holiday season – and the lack of any immediate need to rush the public review and commenting process forward – compels a more deliberative public scoping timeframe. As you are aware, the holiday season between Thanksgiving and the New Year is a challenging time of year to schedule and conduct an adequate scoping process because many people take time off work during the holidays to be with their families, buy and exchange gifts, travel, and celebrate. We are not aware of any compelling or even persuasive reasons that would justify conducting the entirety of this scoping period during the holiday season.

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In summary, we hereby request BLM and FWS (1) extend the length and timing of this scoping comment period by an additional 45 days; (2) provide public disclosure of all relevant public information needed to inform adequate public review and comment; and (3) re-issue the NOI to more clearly identify the full scope of the proposed action.

Thank you for your consideration of this request, and please inform us of your decision on this request without delay. Happy holidays.

Respectfully submitted,



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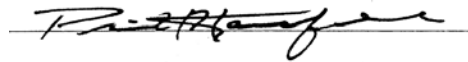
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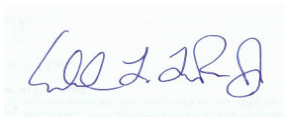
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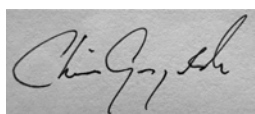


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