

DESERT TORTOISE COUNCIL

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Via email only

31 May 2021

Ms. Laura Goff
Bureau of Land Management
Attn: Gap Wash
345 East Riverside Drive,
St. George, UT 84790
lgoff@blm.gov

RE: Draft Environmental Assessment for City of St. George Gap Wash Right-of-Way Amendment (DOI-BLM-UT-C030-2019-0042-EA, Applicant: City of St. George, Case Number: UTU-7857)

Dear Ms. Goff,

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 Mojave desert tortoise (*Gopherus agassizii*) (synonymous with Agassiz'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.

We note that in spite of a November 2019 letter to the BLM asking that the Council be considered an Affected Interest for projects affecting desert tortoises (<https://www.dropbox.com/s/xx1k4bhljquyn27/BLM%20Utah%20District%20Managers%20Council%20as%20an%20Affected%20Interest.11-7-2019.docx?dl=0>), a third party – not the BLM – informed us of this project.

Unless otherwise noted, all referenced page numbers are from the Draft Environmental Assessment (Draft EA) dated May 2021. Page 1 describes the project as follows: “The City of St. George has submitted an application to the BLM to amend an existing right-of-way (ROW) authorized under an original grant issued in March 2000, Serial Number UTU-78573, to include a new 2-million-gallon water storage tank and 2 additional water transmission pipelines. The new tank would be constructed adjacent to an existing 2-million-gallon storage tank and the new pipelines would be buried adjacent to an existing buried 12-inch water pipeline. All new features would be contained within the original ROW area granted which includes the tank site (2.7-acre) and the water and power lines alignment 2,267 feet long by 50-feet wide (2.6-acres).”

We are concerned that within months after deciding to proactively manage the Zone 6 area for tortoise conservation and mitigation to offset impacts associated with the Northern Corridor that BLM is now accommodating new impacts within the conservation area. We note that the Draft EA fails to analyze a realistic range of alternates, limiting analyses to the No Action and Proposed Action on page 5. We therefore ask that the BLM amend the Draft EA to identify alternatives that would not impact lands within the Zone 6 conservation area. If this is not possible, then BLM should include an alternative that fully mitigates the direct and indirect impacts to the tortoise/tortoise habitat from the proposed action, including compensation for the areal and temporal degradation/loss of tortoise habitat.

Page 2 states, “...the overlying access road would remain open to other recreational users with the exception of temporary closure during the 120-day construction period,” then concludes that “... after construction, there would be no new adverse impacts to wildlife and recreation uses.” We expect that the project may provide for enhanced public access that could lead to increased impacts to tortoises and occupied habitats. Our recommendation is that the road be opened only to project-related personnel and closed to the public, particularly if it terminates at the water tanks, which is not described in the available documentation. If this is not possible, pertinent signage (e.g., tortoise crossing and/or speed limit signs) should be installed as needed to avoid impacts. It may be appropriate to place a sign at the boundary of Zone 6 informing vehicle operators that they are entering the tortoise conservation area.

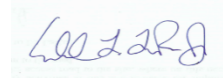
In addition to the protective measures listed on pages 9 and 10, the BLM must require the contractors to maintain a clean work area, remove all refuse on a daily basis, and implement all prudent measures that will minimize the attractiveness of the project area to common ravens, which are a known predator of tortoises.

The Affected Environment section on pages 14 and 15 fails to document the significant population declines throughout the listed range of the species (Allison and McLuckie 2018, U.S. Fish and Wildlife Service 2017). Minus this information, the naïve reader will not likely be aware of these declines and understand the importance of managing the newly-created Zone 6 conservation area. Although the Draft EA refers to the recent Habitat Conservation Plan (HCP) amendment, it does not adequately inform the public as to the significance of the Zone 6 management area in this brief reference. This information needs to be added to the Draft EA for it to sufficiently document the significance of the affected environment.

Figure 3 on page 16 needs to be amended to show designated Areas of Critical Environmental Concern (ACEC), which we understand would be impacted by project development. We also note that Section 3.1.1 on the Affected Environment fails to describe how this project does or does not conform to mandated management of the affected ACEC, which should be addressed in the amended Draft EA.

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,

A handwritten signature in blue ink, appearing to read "E. LaRue, Jr.", is enclosed in a light blue rectangular box.

Edward L. LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

Literature Cited

Allison, L.J. and A.M. McLuckie. 2018. Population trends in Mojave desert tortoises (*Gopherus agassizii*). *Herpetological Conservation and Biology* 13(2):433–452.

U.S. Fish and Wildlife Service. 2017. Status of the desert tortoise and critical habitat (dated 11 October 2017). Unpublished report prepared by the Desert Tortoise Recovery Office of the USFWS. Reno, NV. 24 pages.