



DESERT TORTOISE COUNCIL

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Via BLM NEPA ePlanning Portal and email

October 6, 2025

Katherine Chiasson
Jason West
Bureau of Land Management
St. George Field Office
4001 East Aviator Dr.
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kchiasson@blm.gov
jrwest@blm.gov

RE: Hurricane Cliffs Sand and Gravel Environmental Assessment (DOI-BLM-UT-C030-2025-0024-EA)

Dear Ms. Chiasson and Mr. West,

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 northern 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.

Both our physical and email addresses are provided above in our letterhead for your use when providing future correspondence to us. When given a choice, we prefer to receive emails for future correspondence, as mail delivered via the U.S. Postal Service may take several days to be delivered. Email is an "environmentally friendlier way" of receiving correspondence and documents rather than "snail mail."

We appreciate this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in habitats potentially occupied by the Mojave desert tortoise

(*Gopherus agassizii*) (synonymous with Agassiz's desert tortoise), our comments include recommendations intended to enhance protection of this species and its habitat during activities that may be authorized by the Bureau of Land Management (BLM), which we recommend be added to project terms and conditions in the authorizing documents [e.g., issuance of lease, management plan and decision document, etc.] as appropriate. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed action.

The Mojave desert tortoise is among the top 50 species on the list of the world's most endangered tortoises and freshwater turtles. The International Union for Conservation of Nature's (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers the Mojave desert tortoise to be Critically Endangered (Berry et al. 2021), "... based on population reduction (decreasing density), habitat loss of over 80% over three generations (90 years), including past reductions and predicted future declines, as well as the effects of disease (upper respiratory tract disease/mycoplasmosis). *Gopherus agassizii* (sensu stricto) comprises tortoises in the most well-studied 30% of the larger range; this portion of the original range has seen the most human impacts and is where the largest past population losses have been documented. A recent rigorous rangewide population reassessment of *G. agassizii* (sensu stricto) has demonstrated continued adult population and density declines of about 90% over three generations (two in the past and one ongoing) in four of the five *G. agassizii* recovery units and inadequate recruitment with decreasing percentages of juveniles in all five recovery units."

This status, in part, prompted the DTC to join Defenders of Wildlife and the Desert Tortoise Preserve Committee (DTPC) to petition the California Fish and Game Commission (Commission) in March 2020 to elevate the listing of the Mojave desert tortoise from Threatened to Endangered under the California Endangered Species Act (CESA) (Defenders of Wildlife et al. 2020). Importantly, following California Department of Fish and Wildlife's (CDFW) (2024a) status review, in their April 2024 meeting the California Fish and Game Commission voted unanimously to accept the CDFW's petition evaluation and recommendation to uplist the tortoise from threatened to endangered under the CESA based on the scientific data provided on the species' status, declining trend, numerous threats, and lack of effective recovery implementation and land management (CDFW 2024b). On July 15, 2025, the tortoise was officially uplisted to endangered status under the CESA (Commission 2025).

We thank BLM for contacting us directly on September 19, 2025 about the availability of the Hurricane Cliffs Sand and Gravel Environmental Assessment (EA) and the associated public review and comment period.

Description of the Proposed Project

Interstate Rock Products, Inc. (Applicant) submitted a Plan of Operations to the BLM St. George Field Office for a proposed sand and gravel mining project on a 20-acre parcel of land managed by BLM in Washington County, Utah (Figure 1). The Applicant seeks a Non-Competitive Sales Contract under 43 Code of Federal Regulations (CFR) section 3601.6 to extract sand, rock, and



Figure 1. Location of proposed sand, rock, and gravel materials site by Interstate Rock Products, Inc.

gravel materials that will support local construction and economic development (Proposed Project).

BLM analyzed two alternatives in the EA, Alternative A and Alternative B:

Alternative A: This is the No Action Alternative. Under this alternative, the BLM would not issue the mineral lease to the Applicant, and the Applicant would need to find an alternative site for sand and gravel material.

Alternative B: This is the Proposed Action Alternative. Under this alternative, BLM would issue a contract to Interstate Rock to extract up to 2 million cubic yards of processed salable aggregate material from 20 acres of public land. Raw sand and gravel would be excavated and sorted. The rock would be screened or crushed to achieve specific properties to meet the market demand. Rock, gravels, and sand would be weighed, hauled, and sold to meet the demand for construction materials in the local area.

The location of the Proposed Project is south and east of the Hurricane City municipal boundaries in Washington County, Utah. The Project Site is approximately one-half mile southeast of the intersection of 4620 south 1100 West. This site is accessed (Figure 1) by traveling south on 1100 West for roughly 2,800 feet past the end of pavement on 1100 West to a newly-created access road.

Other alternatives were considered but dismissed by the Applicant. These included:

- A 50-acre site about 0.25-miles north of the proposed site in Section 34, T42N, R13W that was eliminated due to proximity to residential homes.
- A 20-acre site northeast of the proposed site was eliminated due to potential visual resource impacts.
- A 50-acre site southwest of the proposed site was eliminated due to potential conflict with recreational users of public lands and the source material did not meet quality grade.

Comments on the Environmental Assessment

On pages 1 and 2 of the EA under Relationship to Statutes and Regulations, BLM lists the relevant laws and regulations that apply with respect to the Proposed Project. We request that BLM demonstrate in the EA that the Proposed Project complies with BLM policies, manuals, and handbooks including BLM's policies on:

- Bureau of Land Management 2022. Habitat Connectivity on Public Lands Instruction Memorandum 2023-005.
- Bureau of Land Management. 2024. Special Status Species Management – Manual 6840. Washington, D.C. September 9, 2024.

Habitat Connectivity: After reviewing the EA and examining documents from the U.S. Fish and Wildlife Service (USFWS) and scientific reports and journals about the tortoise and tortoise habitat, the location of the Proposed Project does not appear to be in an area with high predicted habitat potential index values (Nussear et al. 2009). However, areas with high values are located nearby. In addition to occupied habitat, the tortoise needs linkage habitat (Averill-Murray et al. 2021) to provide connectivity across the distribution of this species. Unfortunately, we found that

the EA is mute on the issue of linkage habitat for the tortoise and how the Proposed Project would affect linkage habitat for the species. This is an important issue and BLM should discuss/analyze it in this EA and other National Environmental Policy Act (NEPA) documents for proposed projects/proposed actions that occur in the range of the tortoise.

Special Status Species Management: We request that BLM use and comply with BLM’s Policy on Special Status Species Management – 6840 released in 2024. This updated policy establishes an agency-wide emphasis on proactive, landscape- and ecosystem-level, scientifically informed conservation and recovery of special status species and their habitats. It directs BLM to:

- Comply with FESA Section 7(a)(2) consultation regulations and incorporate proactive recovery efforts into proposed actions;
- promote healthy species populations and biodiversity through landscape- and ecosystem-level management; and
- use science and adaptive management to advance conservation and recovery.

Please provide information in the EA that demonstrates how BLM is complying with this policy with respect to the tortoise for the Proposed Project.

In the EA, BLM states that the “Applicant Committed Environmental Protection Measures (ACEPM) such as water application on roads, speed limits, operation limits during high winds, and equipment emission controls are included in the Plan of Operations to reduce air quality impacts.” We are concerned that these environmental protection measures may not be adequate to protect perennial and annual vegetation on nearby areas that is considered tortoise habitat/linkage habitat. From observations in California near materials sites (e.g., Oro Grande, CA), the amount of dust that is generated from the operation of materials sites is clearly evident from a thick layer of dust covering the leaves of vegetation at areas adjacent to materials sites for several hundred feet. This impact occurs despite the strict air quality standards that the State of California has, some of which are more stringent than federal standards (California Air Resources Board, <https://ww2.arb.ca.gov/resources/california-ambient-air-quality-standards>).

Dust can disrupt physical and physiological processes in desert shrubs. Beatley (1965; as cited in Sharifi et al. 1997) found that dust deposition in the Mojave Desert of Nevada caused plant defoliation and shoot death in creosote bush (*Larrea tridentata*). Dust can interfere with plant growth by clogging pores and reducing light interception (Ferguson et al. 1999). Other effects reported include a reduction in photosynthesis and increase in leaf temperature (Eller 1977, Thompson et al. 1984, Farmer 1993). Sharifi et al. (1997) studied the physiological responses of Mojave Desert shrubs exposed to dust. They discovered that dusty shrubs close to military activities exhibited a 21 to 58 percent reduction in photosynthesis in the summer and a decrease in total shoot length. They also learned that the dusty plants had reduced maximum leaf conductance, transpiration, and instantaneous water use efficiency.

Dust on desert plants raises the temperatures of the plants. Sharifi et al. (2009) determined that the temperatures of dusted leaves and photosynthetic stems were 3.6–5.4 °F (2.0–3.0 °C) higher than those of undusted plants, due to greater absorption of infra-red radiation. At high ambient summer

temperatures of 104–113 °F (40–45 °C) in the Mojave Desert, leaf temperatures of perennial shrubs approaching or exceeding 113 °F (45 °C) have the potential to cause significant heat stress and permanent tissue damage (Sharifi et al. 1997). Heavy dust on a leaf could also cover a significant percentage of the stomatal pores, thereby lowering leaf conductance and causing elevated leaf temperatures.

Dust also affects photosynthesis. Dust significantly increased photosynthetically active radiation reflectance. More reflection and less absorption of light means reduced photosynthesis by the dusted plant. Dusted shrubs produced smaller leaf areas and greater leaf-specific masses, suggesting that the short-term effects of reduced photosynthesis and decreased water-use efficiency may cause lowered primary production in desert plants exposed to dust during seasons when photosynthesis is occurring. Regarding other physiological processes, a thick coating of dust on a leaf surface theoretically would produce a decrease in boundary layer conductance across the leaf/air transition that would lower the plant's transpiration rate. This reduced rate would lead to lower evaporative cooling, increased leaf temperatures, and reduced growth (Darley 1966, Borka 1980, Sharifi et al. 1997). In summary, production of dust from the operation of the materials site is likely to adversely affect native desert vegetation off-site but near the Project Site. This indirect effect is likely to result in the loss of cover and forage used by wildlife, including the tortoise, in areas near the Project Site. Cover is important to the tortoise to protect it from thermal extremes and predators, and forage is important because of its limited seasonal and annual occurrence. Thus, the EA should include an analysis of this indirect impact to annual and perennial vegetation near the Project Site that includes tortoise habitat and the tortoise.

In the EA, BLM should explain how the dust produced from the mining and processing activities will be controlled so it does not result in dust deposition to adjacent areas. We remind BLM that under the Federal Land Policy and Management Act (FLPMA), BLM is required to “take any action necessary to prevent unnecessary or undue degradation of the lands.” We consider the reduction or loss of vegetation on BLM lands from deposition of anthropomorphic dust to be a degradation of public lands. BLM should require actions to minimize dust production and deposition from extraction and processing actions and to monitor vegetation on adjacent lands to ensure that dust deposition is not occurring.

On page 6 in the EA, BLM says that “[q]ualified biologists completed survey for desert tortoise following the USFWS protocol of the subject site on October 9th, 2024, and of the revised site boundaries on June 14th, 2025. No signs of tortoise were discovered during these survey events.” We remind BLM that for projects the size of the Proposed Project, surveys of 100 percent of the *action area* (emphasis added) are conducted to determine whether tortoises/tortoise sign are present in the action area for the proposed project (USFWS 2019). The “action area” is defined in 50 Code of Federal Regulations 402.2 and the USFWS Desert Tortoise Field Manual (USFWS 2009) as “all areas to be affected directly or indirectly by proposed development and not merely the immediate area involved in the action.” Thus, the 100% coverage survey of the action area is larger than the project footprint/Project Site. Because of the indirect impacts to vegetation adjacent to the Project Site, BLM should ensure that these and other areas indirectly affected by the Proposed Project are surveyed for tortoises/tortoise sign and to comply with the USFWS's protocol

for surveying the action area (USFWS 2019). The results of this survey should be included in the EA for the Proposed Project.

On page 5 of the Plan of Operations, the Applicant mentions that pedestrian surveys will be conducted by a qualified tortoise biologist prior to any new surface disturbance. The Council appreciates this requirement but has two questions. We are unsure whether the Applicant would conduct clearance surveys following the USFWS's protocol (USFWS 2009) or a repeat of the presence-absence surveys (USFWS 2019). Please clarify in the EA and in the BLM lease/contract with the Applicant that the Applicant will ensure that clearance surveys for the tortoise will be conducted following the USFWS's 2009 protocol.

The second question is about handling and moving tortoises. In the EA, BLM says, “[c]onservation measures of the Plan of Operations include handling procedures in the event a Mojave Desert tortoise is discovered on the site. Conservation measures could include the following:”

“2. Crew members will be instructed on what to do in the event a tortoise is discovered on the lease area. Crew members will not be allowed to touch the tortoise unless it is in harm [sic]way. Crew members will call the Red Cliffs Desert Preserve for evaluation and relocation of the tortoise.”

The customary procedure is when a tortoise is found in the Project Area for a federal project, all activities near the tortoise that may result in take including mortality, injury, or harm, are stopped until the tortoise is move by an authorized biologist per the authorization in a biological opinion issued by the USFWS.

We were unable to find in the EA any discussion of authorization under the Federal Endangered Species Act (FESA) for handling or moving tortoises or any other form of “take.” Consequently, BLM should explain in the EA the authority that it has to authorize take of the tortoise as described in the EA for the Proposed Project.

BLM is requiring protection measures that include the following

- water used for dust abatement should not be allowed to pool, because water can be an attractant for ravens and coyotes (opportunistic predators of other wildlife species [and the tortoise]).
- environmental awareness training will be provided to all personnel and contractors. Training would include wildlife protection measures for encounters with desert tortoise, Gila monster, snakes, kit fox, etc.

We thank BLM for requiring these protection measures for the tortoise.

These protection measures regarding encounters with a tortoise should include the procedure that we described in the preceding paragraph, that is, to stop all activities that may result in take of a tortoise until the tortoise is moved by an authorized biologist per the authorization in a biological opinion issued by the USFWS for the Proposed Project.

In addition, BLM should require the Applicant to regularly control trash and invasive species for the duration of the lease and the reclamation phase so the Proposed Project does not attract tortoise predators to the Project Site and nearby areas, and deters the spread nonnative invasive species especially via the work vehicles used to access the Project Site.

On page 8 of the EA, BLM describes the reclamation plan. “The reclamation plan for the sand and surrounding landscape to the extent possible [sic]. Areas with depressions will be filled, and the topography will be re-contoured to prevent erosion and promote stability. Erosion control measures, such as retention areas, water bars, or gravel aprons may be implemented to manage surface water runoff and reduce erosion.

Once mining operations are completed, this area offers excellent potential for reuse as a designated target shooting facility or as a parking, a staging area for OHV users, and/or a site for dispersed camping. Transforming the site into an outdoor recreation amenity would benefit the local community and enthusiasts by providing safe, organized spaces for popular outdoor activities. Reusing the site in this way minimizes the environmental footprint of the material site by offering amenities to the on-going outdoor recreational use of the area.

We remind BLM that these described future uses should be analyzed in the EA with respect to how they would impact the tortoise and tortoise habitat including linkage habitats that provide connectivity between tortoise populations across the range of the tortoise. BLM is describing a permanent change of use for this area of land. This analysis would include direct, indirect, and cumulative impacts to adjacent lands. For example, wildfires are an impact from target shooting. The ignition source for wildfires from shooting has been reported by Short and Finney (2022) and Stern (2013, 2015). The number of wildfires reported as caused by shooting at inert targets in Arizona between 1992–2018 was 34 (Short and Finney 2022). Ninety-one percent of target shooting wildfires in the western U.S. were seasonal. Short and Finney (2022) suggest that fuel ignitability may be one reason for these fires. BLM reported in the EA vegetation at the Project Site contains non-native invasive annual plants that provide fuel for fires, has been used for target shooting in the past, and has experienced fires in the past. Please include this information and an analysis in the EA for the Proposed Project because the reclamation plan should be part of the Proposed Project.

On page 30 of the EA, BLM says, “No BLM Sensitive Species or other special-status wildlife were observed during any of the site surveys. Therefore, the likelihood of adverse effects to special-status species is considered low.”

In reviewing the USFWS (2019) survey protocol for the tortoise, survey results include tortoise and tortoise sign “(e.g., tortoise scat, burrows, carcasses, courtship rings, drinking depressions, etc. in addition to live tortoises).” Because most wildlife is not sedentary and is averse to human presence, this reduces the likelihood of observing special status wildlife species during surveys. Hence the presence of sign from special status species is a better indication of use of the Project Site and surrounding area by these species including the tortoise. The information on the sign found during pedestrian surveys, including tortoise sign in the action area, should be reported in the EA along with similar information for other special status species.

On page 31 of the EA, BLM reported that they initiated a 30-day public scoping period but did not provide the dates. It was likely in May 2025 because a public meeting was held on May 19 and such meetings occur during the public scoping period. The Council does not recall being notified by BLM about this public scoping period for the Proposed Project.

We remind BLM that on November 7, 2019, the Council sent a certified letter (attached) to the BLM District Manager, Color Country District, “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 by the BLM of BLM proposed actions that *may affect* [emphasis added] species of desert tortoises. We remind BLM of this request and of similar requests that have been included in all comment letters to BLM at the Color Country District and St. George Field Office, which is supervised by the Color Country District Manager. Please ensure that the Council is notified of all future proposed actions by BLM that may affect the tortoise including tortoise habitat and linkage habitat.

We appreciate this opportunity to provide the above comments and trust they will help protect tortoises during any resulting authorized activities. Herein, we reiterate that the 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 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 notify the DTC at eac@deserttortoise.org of any proposed projects that BLM may authorize, fund, or carry out in the range of any species of desert tortoise in the southwestern United States (i.e., *Gopherus agassizii*, *G. morafkai*, *G. berlandieri*, *G. flavomarginatus*) so we may comment on them to ensure that BLM fully considers and implements actions to conserve these tortoises as part of its directive to conserve biodiversity on lands managed by BLM.

Please 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

Attachment: 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

Cc: George Weekley, State Supervisor, Utah Ecological Services Field Office, U.S. Fish and Wildlife Service, West Valley Circle, UT; george_weekley@fws.gov
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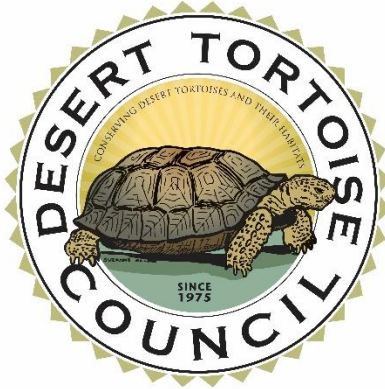
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Attachment: Reiteration of the Desert Tortoise Council's Previous Requests as An Affected
Interest for Notification of Bureau of Land Management Proposed Actions
Affecting the Desert Tortoises or Habitats



DESERT TORTOISE COUNCIL

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CERTIFIED MAIL

November 7, 2019

Ahmed Mohsen, District Manager
Color Country District
Bureau of Land Management
176 East D.L. Sargent Drive
Cedar City, UT 84721

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. Mohsen:

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 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.

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

During the past 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 Utah are listed below:

- 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
- 2015-10-15 - Beaver Dam Wash and Red Cliffs National Conservation Area Draft Resource Management Plans

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 by the BLM 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 the range of desert tortoises 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 Color Country District Office or the St. George Field Office within the District of any recent proposed actions in the District. Consequently, we are elevating our request to you as the District Manager.

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.”

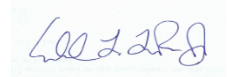
The BLM NEPA Handbook states, “A primary goal of public involvement is to ensure that all interested and affected parties are aware of your proposed action. Knowing your community well is the first step in determining the interested and affected parties and tribes. You may already have a core list of 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 Color Country District that may affect the Mojave desert tortoise or its habitats. This includes any action that may affect, either directly or indirectly, this 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,

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

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

Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

cc: Keith Rigtrup, Field Manager – St. George Field Office

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

