

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

As a longtime Board member of the Desert Tortoise Council (Council), currently serving as Chairperson for the Ecosystems Advisory Committee, with approval by the Board members, I have written several formal comment letters to pertinent agencies providing scientific rationale for why the Northern Corridor would significantly impact conservation of tortoises within the Red Cliffs National Conservation Area (Red Cliffs NCA). I have written several editorial pieces for the Spectrum newspaper stating why development of the freeway would undermine the consensus-building process that has allowed thousands of acres of tortoise habitat to be developed throughout Washington County and 485 tortoises to be displaced since 1996 in exchange for managing the Red Cliffs NCA exclusively for tortoise conservation. Representing the Council, I attended meetings in September 2018 where I met with the staffs of three Senators and five Congressmen in Washington, D.C. to help them understand why the public trust and promised conservation are being undermined by promoting this freeway through the conservation area. In May 2019, I spent a day with the Shivwits Band of the Paiute Tribe in St. George visiting the Red Cliffs NCA and Zone 6 area that would be redesignated as part of the Red Cliffs NCA to better understand the impacts and concerns of Native Americans in the area.

In doing so, I've represented the Board of Directors of the Council and its general membership and have gone on record publicly opposing the project. This renewed effort to construct the freeway through the conservation area by revising the very Habitat Conservation Plan (HCP) that promoted the eventual establishment of the Red Cliffs NCA is counterintuitive because it breaks the promise formulated in 1996 to protect tortoises at the expense of developing the rest of Washington County and displacing tortoises from authorized development parcels. Now that the County has enjoyed 23 years of streamlined development, it is promoting a course of action that would undermine the conservation balance that can only be realized by continuing to protect the Red Cliffs Reserve NCA as it was originally intended and legally mandated.

The only reason the HCP is being renewed is because the 20-year term of the plan has ended, as of 2016. The Council believes the HCP should be renewed, as is, with no fatal-flaw revision that would bisect the conservation area with a new four-lane freeway. Revisions should not accommodate planners and politicians who are opportunistically willing to violate the consensus building and established public trust that led to the legal requirement that the Red Cliffs NCA be managed solely for tortoise conservation, **in perpetuity**. It sets a dangerous precedent that Incidental Take Permits/HCPs can be changed if there is a desire to develop in areas previously conserved under Incidental Take Permits/HCPs.

Given the existing impacts in the Zone 6 Utah School and Institutional Trust Lands Administration (SITLA) lands, the BLM's willingness to cut-in-half the Red Bluffs Area of Critical Environmental Concern (Red Bluffs ACEC) and manage only the eastern half as a new satellite reserve, and the lack of connectivity between Zone 6 lands and the existing Red Cliffs NCA, the Council does not believe that management of these 7,000 acres - 3,200 acres+/- of which are already supposed to be managed for tortoise recovery as an ACEC - in any way begins to offset the impacts of a new freeway through an established reserve that has facilitated the development of thousands of acres of tortoise habitat and the displacement of 485 tortoises. Because the Red Cliffs Reserve was established as a refuge under federal regulations for the benefit of the desert tortoise, we believe it should be considered the same as a National Wildlife Refuge when transportation projects are being planned. This would require the federal government to select and implement an alternative route to avoid the refuge/reserve, if an alternative route is available. For these reasons, the Desert Tortoise Council opposes the Northern Corridor in the Red Cliffs NCA.