



**DESERT TORTOISE COUNCIL**  
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**Via email only**

6 December 2023

Attn: Stephanie Trujillo  
St. George Field Office  
Bureau of Land Management  
345 East Riverside Drive,  
St. George, UT 84790  
[Stephanie\\_trujillo@blm.gov](mailto:Stephanie_trujillo@blm.gov)

RE: Washington City 1900 S Stormwater Detention Basin ROW (DOI-BLM-UT-C030-2022-0036-EA)

Dear Ms. Trujillo,

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.

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 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 authorized by the Bureau of Land Management (BLM), which we recommend be added to project terms and conditions in the authorizing document (e.g., right of way grant, etc.) as appropriate. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed project.

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 Council to join Defenders of Wildlife and Desert Tortoise Preserve Committee (Defenders of Wildlife et al. 2020) to petition the California Fish and Game Commission in March 2020 to elevate the listing of the Mojave desert tortoise from threatened to endangered in California. The decision is still pending at the time of this writing.

We appreciate that the BLM contacted the Council directly so we would have the opportunity to provide comments on the draft Environmental Assessment (draft EA) for 1900 East Stormwater Detention Basin in Washington City. Our comments are intended to ensure that the BLM fully complies with the purpose and intent of the National Environmental Policy Act (NEPA), Federal Endangered Species Act (FESA), other applicable environmental laws, and the regulations and codes to implement these laws. Our focus is applying these laws to the tortoise and its habitat to provide for its conservation.

### **Description of Proposed Action and No Action Alternative**

According to the BLM's NEPA ePlanning webpage, "The St. George Field Office (SGFO) is considering whether to approve an application for a water facility Right-of-Way (ROW), on BLM-administered lands in Washington County, Utah. Washington City has submitted a ROW application to the Bureau of Land Management (BLM) to construct, operate and maintain a detention basin consisting of a floodwater detention pond, earthen dam/berm, rip-rap rock, spillway, drainage pipes and site contours and grading."

“The structure would be located at 1900 E and Washington Dam Road in Township 42 South, Range 14 West, Section 30, Washington County, Utah. The primary use of the detention basin is for flood control. Water will be detained in the structures during runoff events. Water collected during runoff events will be released in a controlled manner through a low-level outlet pipe and enter Washington City's drainage facilities. Some runoff water will evaporate or percolate into the soil as well. During construction there will be approximately 6,009 cu yds exported (8,073 cu yds of cut material and 2,064 cu yds of fill material). The project is anticipated to take 120 days to construct but this may be extended based on the availability of supplies. The dimensions are 350' long X 250' wide X 6.5ft. in height. The reservoir will have a flood storage capacity of 4.05-acre feet. If granted, the ROW would be issued in perpetuity pursuant to Section 507 of the FLPMA [Federal Land Policy and Management Act] of 1976 (90 Stat. 2781, 43 U.S.C. 1767).”

### **Purpose and Need**

BLM is responding to Washington City’s (Applicant) request for a ROW to construct and maintain the proposed stormwater detention basin on land administered by the BLM within Washington City’s municipal boundary. The need for the detention basin is to effectively manage stormwater run-off to maintain water quality and protect private property and municipal streets from floodwater.

### **Alternative Analyzed**

BLM analyzed two actions in the draft EA, the No Action Alternative and the Proposed Action Alternative. The document states that no other alternatives were brought forward or examined.

No Action Alternative: The BLM would not issue the ROW to the Applicant, and the Applicant would not construct the 2-acre detention basin. The applicant states that the no action alternative does not meet Washington City’s objectives of preserving surface water quality in the Virgin River and protecting against flood water damage.

Proposed Action Alternative: The Proposed Action is to construct a 2-acre surface water detention basin with the holding capacity of 4.05-acre feet (6,600 cubic yards) of water to protect adjacent developments from floodwater during high magnitude storm events and to reduce the amount of sediment entering the city’s storm drain system.

### **Comments on the Draft Environmental Assessment**

In the draft EA, BLM says it prepared the document to respond to “the Applicant's request for a ROW, to construct and maintain the proposed stormwater detention basin on land administered by the BLM within Washington City’s municipal boundary. The need is established by the BLM's statutory and regulatory responsibilities under Title V of the Federal Land Policy and Management Act of 1976 (FLMPA) (43 CFR 2800).”

## **Confusing Information**

On page 7 of the draft EA, Table 1: Issues Dismissed from Further Analysis, BLM says there will be no effect to the tortoise. Yet, in Appendix A, page 38 of the pdf document, BLM says, “The project area shows potential suitable habitat for MDT [Mojave desert tortoise]. Therefore, a protocol MDT survey for presence or absence is required, preferably during high activity season and will be conducted by a qualified (USFWS and BLM approved) desert tortoise biologist. Depending on findings, conservation measures may be required. This species will need to be analyzed [sic] document. If the project in the NEPA [sic] contributes to permanent loss of potential habitat for the tortoise, compensation may be required (calculated for up to 6 times the acreage lost as per the Desert Tortoise Management Oversight Group).” Please clarify this information in the final EA.

## **No Effect Determination**

In the draft EA, BLM supports its no effect determination with information that includes “[t]he UDWR [Utah Division of Wildlife Resources] does not have any records of tortoise within a 0.5-mile radius of the project area.” UDWR locality data is limited to occurrences reported to them and entered in their database, so it does not have data that show all locations where the tortoise and other all listed/special status/rare species occur. Tortoises have large lifetime home ranges and may make periodic forays of more than 7 miles (11 kilometers) at a time (Berry 1986). For these reasons, only a protocol tortoise survey (USFWS 2019) – not a literature review – is sufficient to determine presence-absence of tortoises on a given site. BLM also relies on no tortoises crossing State Route 7 to access the project area for the life of the proposed action, which is in perpetuity.

We found no information in the draft EA that BLM accessed the U.S. Fish and Wildlife Service’s (USFWS) Information for Planning and Consultation (IPaC) system. BLM should use this system to help determine whether a project will have effects (= impacts) on federally listed species or designated critical habitat, as well as other sensitive resources managed by the USFWS. IPaC is accessed at <https://ipac.ecosphere.fws.gov/>. Please see our discussion of IPaC below under “Mojave Desert Tortoise Protocols.”

In addition, we remind BLM that because this is a federal action including the operation and maintenance of the basin, the Applicant’s activities are not covered by the Washington County Incidental Take Permit. If take occurs during the implementation of this project, keeping in mind that the ROW would be granted in perpetuity, Washington City would be in violation of the FESA. It is in Washington City’s best interest for BLM to thoroughly analyze direct, indirect, and cumulative impacts to the tortoise and coordinate fully with the USFWS to determine the likelihood of “may affect,” which is the threshold that triggers Section 7 consultation with the USFWS.

## **Mojave Desert Tortoise Protocols**

The USFWS developed standard survey protocols (USFWS 2009, 2019) for the tortoise to implement for projects that occur within the range of the tortoise. These standard protocols include Presence/Absence Surveys and Clearance Surveys. Please provide information in the final EA that

describes how the Proposed Action specifically complies with these protocols including coordination with the USFWS. In Section 1.6 and Appendix B of the draft EA, we were unable to find an appropriate description of actions that were implemented to demonstrate compliance with these protocols [e.g., description of action area as defined by 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”], description of transect widths, location of transects, conducted by biologists approved by USFWS, etc.).

Under Chapter 4 Consultation and Coordination, we found no confirmation that BLM contacted USFWS. In addition, we found no information in the draft EA that BLM used any USFWS documents/data when making a determination whether the proposed project may affect the tortoise. When we accessed the USFWS’ IPaC and entered the location of the proposed project, the results were that the proposed project may impact the Mojave desert tortoise along with other federally listed and candidate species. Note that the USFWS’ (2011) Revised Recovery Plan for the Mojave Population of the Desert Tortoise (*Gopherus agassizii*) describes that the tortoise “occupies a variety of habitats from flats and slopes typically characterized by creosote bush scrub dominated by *Larrea tridentata* (creosote bush) and *Ambrosia dumosa* (white bursage) at lower elevations to rocky slopes in blackbrush scrub and juniper woodland ecotones (transition zone) at higher elevations.”

In addition, there is the issue of linkage or connectivity habitats for tortoises and other special status species. In 2021, Averill-Murray et al. published a paper on connectivity of Mojave desert tortoise populations and linkage habitat. The authors emphasized that “[m]aintaining an ecological network for the Mojave desert tortoise, with a system of core habitats (TCAs = Tortoise Conservation Areas) connected by linkages, is necessary to support demographically viable populations and long-term gene flow within and between TCAs.”

“Ignoring minor or temporary disturbance on the landscape could result in a cumulatively large impact that is not explicitly acknowledged (Goble, 2009); therefore, understanding and quantifying all surface disturbance on a given landscape is prudent.” Furthermore, “habitat linkages among TCAs must be **wide enough** [emphasis added] to sustain multiple home ranges or local clusters of resident tortoises (Beier and others, 2008; Morafka, 1994), while accounting for edge effects, in order to sustain regional tortoise populations.” Consequently, effective linkage habitats are not long narrow corridors. Any development within them has an edge effect (i.e., indirect impact) that extends from all sides into the linkage habitat, further narrowing or impeding the use of the linkage habitat, depending on the extent of the edge effect.

Averill-Murray et al. (2021) further notes that “To help maintain tortoise inhabitation and permeability across all other non-conservation-designated tortoise habitat, all surface disturbance could be limited to less than 5-percent development per square kilometer because the 5-percent threshold for development is the point at which tortoise occupation drops precipitously (Carter and others, 2020a).” They caution that the upper threshold of 5 percent development per square kilometer may not maintain population sizes needed for demographic or functional connectivity; therefore, development thresholds should be lower than 5 percent.

The lifetime home range for the Mojave desert tortoise is more than 1.5 square miles (3.9 square kilometers) of habitat (Berry 1986) and, as previously mentioned, may make periodic forays of more than 7 miles (11 kilometers) at a time (Berry 1986).

We add that the fundamentals of conservation biology include the need for gene flow between populations to maintain genetic diversity to facilitate species survival, especially during climate change, which enables biodiversity. Thus, linkage habitats are important as they provide connectivity among wildlife populations to maintain viability and biodiversity.

BLM should not rely solely on the tortoise survey protocols when making its determination of “may affect.” Until an analysis of existing development in the linkage, including roads, and proposed development, and the proposed project, is made and the needs of special status species are described and analyzed with respect to this linkage habitat, it is not possible to make a conclusion about the impacts of the proposed project on linkage habitat.

We found little information in the draft EA describing the operations and maintenance activities or analysis of their impacts. We conclude that BLM does not know what the activities are that would be conducted during the operations and maintenance phase of the proposed project Alternative. If the activities are unknown, their resulting impacts cannot be analyzed in the draft EA and should therefore be clarified in the final EA.

We contend that the final EA document should include a description of the actual or likely operation and maintenance activities for the life of the project and an analysis of their direct and indirect impacts to the resource issues including the tortoise/tortoise habitat. The construction phase of the Proposed Action Alternative is “connected” to the operations and maintenance phase under NEPA. We request that BLM revise the final NEPA document to demonstrate compliance with these regulatory requirements.

Examples of indirect impacts that result from projects with surface disturbance in the Mojave Desert include subsidized predators, invasive plant species, increased fire frequency/size/intensity, habitat loss/degradation, and entrapment in riprap from tortoises making forays from nearby habitat. We were unable to find an analysis of these indirect impacts to the tortoise/tortoise habitat in the draft EA. We request that BLM revise the final EA to include these and other relevant indirect impacts to the tortoise/tortoise habitat.

To assist BLM with this analysis, we have provided information on one of the indirect impacts, subsidized predators, below.

Subsidized Predators: One example of an indirect impact to the tortoise from construction, operations, and maintenance of the Proposed Action Alternative and development of the nearby area is increased tortoise predation. Common ravens are known to prey on juvenile desert tortoises based on direct observations and circumstantial evidence, such as shell-skeletal remains with holes pecked in the carapace (Boarman 1993). The number of common ravens increased by 1,528% in the Mojave Desert since the 1960s (Boarman 1993). This increase in raven numbers is attributed to unintentional subsidies provided by humans.

In the Mojave Desert, common ravens are subsidized predators because they benefit from resources associated with human activities that allow their populations to grow beyond their “natural” carrying capacity in the desert habitat. Kristan et al. (2004) found that human developments in the western Mojave Desert affect raven populations by providing food subsidies, particularly trash and road-kill. Boarman et al. (2006) reported raven abundance was greatest near resource subsidies (specifically food = trash and water). Human subsidies include food and water from landfills and other sources of waste, reservoirs, sewage ponds, agricultural fields, feedlots, gutters, as well as perch, roost, and nest sites from power towers, telephone poles, light posts, billboards, fences, freeway or railroad overpasses, abandoned vehicles, and buildings (Boarman 1993). Subsidies allow ravens to survive in the desert during summer and winter when prey and water resources are typically inactive or scarce. Boarman (1993) concluded that the human-provided resource subsidies must be reduced to facilitate a smaller raven population in the desert and reduced predation on the tortoise.

Coyotes are known predators of tortoises. High adult tortoise mortality from coyote predation has been reported by Peterson (1994), Esque et al, (2010) and Nagy et al. (2015). In some areas, numbers of ravens correlated positively with coyote abundance (Boarman et al. 2006). Lovich et al. (2014) reported tortoise predation may be exacerbated by drought if coyotes switch from preferred mammalian prey to tortoises during dry years. Because the Mojave Desert has been in a multi-decade drought (Stahle 2020, Williams et al. 2022) due to climate change and drought conditions of increased duration and intensity are expected to continue in future years, increased predation pressure from coyotes on tortoises is expected to continue.

The Proposed Action Alternative during construction, operations, and maintenance and the connected residential/commercial development during construction and use would likely increase the availability of human-provided subsidies for predators of the tortoise including the common raven and coyote. For example, during the construction phase of the Proposed Action Alternative, we presume that water would be used to control dust from soil that is disturbed (i.e., excavated, bladed, compacted, etc.) and the solid waste generated during construction including food brought to the Project Site by workers for meals, etc., are examples of food and water subsidies for ravens and coyotes that would attract these predators to the Project Site and increase their numbers in the surrounding area. Grading or digging at the site would expose, injure, or kill fossorial animals and provide a subsidized food source for ravens and coyotes. The presence of food waste during operations and maintenance phase of the Proposed Action Alternative and the residential/commercial development would provide food subsidies for ravens and coyotes.

These subsidies of tortoise predators could be mitigated by requiring Best Management Practices (BMPs) that include limiting the use of water for dust suppression so it does not form puddles or streams, requiring solid waste containers on site that are predator-proof, wind-proof, and regularly maintained by the Applicant, etc. We request that these BMPs be added to the NEPA document and the Applicant be required to implement them. Please see the Council’s (2017) “A Compilation of Frequently Implemented Best Management Practices to Protect Mojave Desert Tortoise during Implementation of Federal Actions<sup>1</sup>” for examples of BMPs for the tortoise, many of which are applicable to the Proposed Project

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<sup>1</sup> [https://deserttortoise.org/wp-content/uploads/dtc\\_construction\\_BMPs\\_090517.pdf](https://deserttortoise.org/wp-content/uploads/dtc_construction_BMPs_090517.pdf)

We request that BLM revise the NEPA document and include the analysis of increased predation and other indirect impacts to the tortoise that may occur from the construction, operations, and maintenance of the Proposed Action alternative. BLM should require the Applicant to ensure that effective mitigation measures are added to the ROW grant as Applicant-Committed Environmental Protection Measures (ACEPMs) to substantially reduce/eliminate these indirect impacts to the tortoise and other special status species and coordinate the development and implementation of these additional ACEPMs with Utah Division of Wildlife Resources (UDWR) and USFWS.

### **Analysis of Impacts before and as a Result of Implementing Mitigation**

NEPA requires analysis of the impacts to the resource issues before implementing mitigation measures. There is no guarantee that the mitigation measures in the NEPA document will be implemented, and if implemented, will be successful. We request that BLM comply with this requirement for analysis of direct, indirect, and cumulative impacts to the tortoise and tortoise habitat both before the implementation of mitigation measures and after. The effectiveness of the mitigation should be supported in the final EA with references from the scientific literature.

In the draft EA, BLM reports that the project site has been heavily grazed by nearby cattle operations and that invasive plants can be found onsite and in the surrounding area of Washington Dome. This indicates that BLM's past management actions to comply with Executive Order 13112 of February 3, 1999 and Executive Order 13751 of December 5, 2016, that require federal agencies "to prevent the introduction, establishment, and spread of invasive species, as well as to eradicate and control populations of invasive species that are established" have not been effective.

Further, FLPMA, Section 302(b) says, "[i]n managing the public lands the Secretary [of the Interior] shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands." This would include actions to depress the establishment, existence, and proliferation of invasive plant species in the Mojave Desert, which are not elucidated in the draft EA.

For invasive plant species, we were unable to find effective mitigation measures (i.e., Environmental Protection Measures) that would be implemented to comply with the Executive Orders during all phases of the Proposed Action Alternative. Please revise the final EA to include the analyses and mitigation to comply with NEPA, these executive orders, and FLPMA.

BLM says, "The CIAA [cumulative impact analysis area] for wildlife species and habitat is Washington City because the purpose of the proposed action is one of many recommended improvements in the Storm Water IFF Plan. When combined with the other recommended improvements of the IFF Plan the cumulative effect on water quality of the Virgin River flowing through Washington City (and downstream) is positive." We did not understand the first sentence and ask if there is missing verbiage?

Earlier in the draft EA, BLM says, "[t]he Proposed Action may result in an indirect, positive effect on the riparian habitat of the Virgin River due to improved water quality in the Virgin River." That BLM statement is a "may affect" statement for the listed species that use these habitats, and BLM should consult with USFWS. Please include information in the final EA that describes this consultation process and results.



In Appendix A, BLM says, “The proposed action is not anticipated to impact Wetlands/Riparian areas.” This statement appears to contradict the statement made by BLM that is presented above. Please clarify these statements that appear to be contradictory.

Because BLM concludes that the proposed project would have a positive impact on water quality in the Virgin River, BLM should include this impact to the federally listed roundtail dace and Virgin River chub in the final EA. We found no information in the draft EA that discussed these two species.

## **Cumulative Effects Analysis**

CEQ (1997) states “Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern. The range of actions that must be considered includes not only the project proposal but all connected and similar actions that could contribute to cumulative effects.” The analysis “must describe the response of the resource to this environmental change.” Cumulative impact analysis should “address the sustainability of resources, ecosystems, and human communities.” This CEQ document is referred to in BLM’s National Environmental Policy Act Handbook (BLM 2008).

The CEQ provides eight principles of cumulative impacts analysis (CEQ 1997, Table 1-2). These are:

**1. Cumulative effects are caused by the aggregate of past, present, and reasonable future actions.**

The effects of a proposed action on a given resource, ecosystem, and human community, include the present and future effects added to the effects that have taken place in the past. Such cumulative effects must also be added to the effects (past, present, and future) caused by all other actions that affect the same resource.

**2. Cumulative effects are the total effect, including both direct and indirect effects, on a given resource, ecosystem, and human community of all actions taken, no matter who (federal, non-federal, or private) has taken the actions.**

Individual effects from disparate activities may add up or interact to cause additional effects not apparent when looking at the individual effect at one time. The additional effects contributed by actions unrelated to the proposed action must be included in the analysis of cumulative effects.

**3. Cumulative effects need to be analyzed in terms of the specific resource, ecosystem, and human community being affected.**

Environmental effects are often evaluated from the perspective of the proposed action. Analyzing cumulative effects requires focusing on the resources, ecosystem, and human community that may be affected and developing an adequate understanding of how the resources are susceptible to effects.

**4. It is not practical to analyze the cumulative effects of an action on the universe; the list of environmental effects must focus on those that are truly meaningful.**

For cumulative effects analysis to help the decision maker and inform interested parties, it must be limited through scoping to effects that can be evaluated meaningfully. The boundaries for evaluating cumulative effects should be expanded to the point at which the resource is no longer affected significantly or the effects are no longer of interest to the affected parties.

**5. Cumulative effects on a given resource, ecosystem, and human community are rarely aligned with political or administrative boundaries.**

Resources are typically demarcated according to agency responsibilities, county lines, grazing allotments, or other administrative boundaries. Because natural and sociocultural resources are not usually so aligned, each political entity actually manages only a piece of the affected resource or ecosystem. Cumulative effects analysis on natural systems must use natural ecological boundaries and analysis of human communities must use actual sociocultural boundaries to ensure including all effects.

**6. Cumulative effects may result from the accumulation of similar effects or the synergistic interaction of different effects.**

Repeated actions may cause effects to build up through simple addition (more and more of the same type of effect), and the same or different actions may produce effects that interact to produce cumulative effects greater than the sum of the effects.

**7. Cumulative effects may last for many years beyond the life of the action that caused the effects.**

Some actions cause damage lasting far longer than the life of the action itself (e.g., acid mine damage, radioactive waste contamination, species extinctions). Cumulative effects analysis needs to apply the best science and forecasting techniques to assess potential catastrophic consequences in the future.

**8. Each affected resource, ecosystem, and human community must be analyzed in terms of its capacity to accommodate additional effects, based on its own time and space parameters.**

Analysts tend to think in terms of how the resource, ecosystem, and human community will be modified given the action's development needs. The most effective cumulative effects analysis focuses on what is needed to ensure long-term productivity or sustainability of the resource.

Thus, for each resource issue analyzed (see #2, 5, 6, and 8), the CIAA would be different.

We found no cumulative impacts analysis for the Mojave desert tortoise or other listed species whose habitats are in/near the Project Area. Habitat quality, arrangement, and connectivity as well as population demographics/population viability and population connectivity are some of the factors that are used when analyzing cumulative impacts.

Please revise the final EA to ensure that the CEQ's (1997) "Considering Cumulative Effects under the National Environmental Policy Act" is followed, including all eight principles, when analyzing the cumulative effects of the alternatives to the tortoise and its habitat. When conducting this analysis, ensure that the conclusions are supported with scientific data. The NEPA regulations and BLM (2008) direct that science will be used in conducting analyses, as follows:

40 CFR 1507(2)(a) - “insure [sic] the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking [sic] which may have an impact on the human environment.”

- 40 CFR 1500.1(b) - “The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.”
- 40 CFR 1502.24 - “Methodology and scientific accuracy - Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement.”

### **Agency Consultation and Coordination**

In Section 4 of the draft EA entitled Consultation and Coordination, BLM provides no information on whether they consulted/coordinated with USFWS and UDWR regarding the Proposed Project. Please provide this information in the final EA.

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 Desert Tortoise 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 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

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