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**June 22, 2005**  
**Certified mail**

Gregory Punske, Project Development Engineer  
FHWA Utah Division  
2520 West 4700 South Suite 9A  
Salt Lake City, Utah 84118

RE: Southern Corridor FEIS (April 2005)

Dear Mr. Punske:

In response to the Southern Corridor Final Environmental Impact Statement and Section 4(f) Evaluation (the deadline for response to which was extended to June 22, 2005 per your letter dated May 5, 2005), the Utah Native Plant Society and the Center for Biological Diversity who were also respondents to the draft EIS document make comments as follows. We incorporate by reference our joint comments made in the letter dated July 9, 2003.

**No mitigation provided for SITLA's proposed Fort Pierce Industrial Park Access Road for the bearclaw poppy**

There remains no mitigation for a road proposed by SITLA that would split White Dome in the very area where *Arctomecon humilis* still grows. Various routes were proposed all of which were clearly designed to connect to I-15 via the

Southern Corridor. The impacts related to the Fort Pierce is road is clearly a result of the Southern Corridor. There would be no reason to construct a road such as this were it not for freeway access. No disclosure until the public meetings held in May 2004 were previously made. There is significant evidence to suggest that the state of Utah intended to protect White Dome and the area around Atkinville, not fragment and destroy it. This includes a 1982 “recovery plan” and mention by then Gov. Scott Matheson referring to White Dome as a state ACEC. Should the ill-advised road thru White Dome still be built, mitigation must be provided for the resulting loss. There should also be a miles per hour restriction to reduce the impact to native pollinators.

### **No mitigation provided for the destruction of the bearclaw poppy population at Atkinville**

A land trade that was completed sometime circa 1998 between SITLA and the BLM has led to a lose-lose scenario for *Arctomecon humilis*. The Southern Corridor will cause all sorts of freeway sprawl as gas stations and convenience stores move down I-15 to intercept northbound and other traffic. SITLA has apparently already obtained “private development” zoning for an area that the State Lands & Forestry had deemed as, in essence, critical habitat. A viable population once grew in the area of the proposed Atkinville interchange which is now in shambles and which has undergone significant declines even in the last couple of years. Rapid Sun River expansion has increased the level of OHV and other abuse of nearby fragile lands. Lands with biological crusts have been demolished. Mitigation for losses for the Atkinville population must be provided if an interchange is constructed there.

### **No-build alternative disadvantage is still invalid and flawed**

The primary disadvantage of the no-build alternative relating to the bearclaw poppy remains invalid. The Southern Corridor will in fact bring increased exposure and access to Warner Ridge (it is easy to cut thru fences, fences become damaged, etc.) We are aware of no scientist who would support the stated disadvantage and the BLM has already obtained funding to fence Warner Ridge, a fact we notified Mr. Gregory Punkse of on March 20, 2004 but which which has nonetheless still not been taken into account. The no-build alternative lacks any credible scientific support and makes erroneous assumptions that no one will do anything absent construction of the road and only that the BLM or FWS “believes” that it might help.

### **Impacts to biological soil crusts require analysis**

We continue to maintain that a biological crust analysis is required. BLM Technical Reference 1730-2 (Belnap, 2001) recommends an analysis of impacts to biological soil crusts on all use applications (p. 70). It is clear that crusts will be

impacted by this project, the extent of which has not been determined. Biological soil crusts play a critical role in desert ecosystems (Belnap, 2002). Soil surface disturbance including mechanical disturbances by vehicles reduces or eliminates nitrogenase activity in biological soil crusts (Belnap, 2002; Belnap, 2001).

Beneficial/critical relationships between biological soil crusts and rare plants in the region have been clearly established. For purposes of both soil control and providing biologically usable nitrogen, crusts have been shown to be important to *Arctomecon humilis* (Harper and Van Buren, 2004). Thick biological soil crusts have typically been observed in association with *Pediocactus sileri* (personal communications with Leila Shultz, Vince Tepedino and Therese Meyer, Feb. 2005 and our own observations) and play a critical role in the survival of that species. The response on page 11-147 to our prior request that “cryptogams may be important to poppy” is simply not correct.

### **Pollinator issues have still largely been ignored and rare plant population fragmentation issues remain unaddressed**

Dr. Vincent Tepedino indicates that there will be few successful bee crossings. The higher the speed limit, the worse the chances of bee survival. Roads/interchanges that are constructed adjacent to rare plant habitats or that directly fragment habitats should have a maximum speed limit of 25 mph (personal communications with Dr. Tepedino, 2005).

Pollen transport by humans may be necessary to offset gene flow problems (personal communications, Tepedino, 2005). Mitigation funds for a special team to address this issue must be provided and should include Dr. Vincent Tepedino and Dr. Loreen Woolstenhulme.

Mitigation measures for impacts on wildlife (4.12.4.5) should be expanded to include crossing considerations by native bees. Bees will need a stimulus to cross a road. Roads form formidable barriers even to large, longer-distance flying bees (Bhattacharyaa, 2002) and unless displaced or forced to forage will tend to not move between plant populations. So the problem is severe.

The tiny *Perdita meconis* is a BLM Nevada sensitive species and should have been considered as a special status species in conjunction with this project. It is a bee that Tepedino indicates should perhaps be a listed species (Forgotten Pollinators, p. 20).

### **Critical habitat designation for *Astragalus holmgreniorum* continues to be intentionally ignored**

The Holmgren milkvetch (*Astragalus holmgreniorum*) was federally listed in September of 2001 with critical habitat. Any biological opinion issued by the U.S. Fish & Wildlife Service (FWS) should assess whether there is an adverse

modification to the critical habitat so designated for this species. The FWS however has failed to designate that habitat. On September 27, 2004 a lawsuit was filed by the Center for Biological Diversity and the Utah Native Plant Society that related to this and one other species. This suit was filed pursuant to provisions of the Endangered Species Act. FWS has agreed to publish a critical habitat proposal by March 17, 2006, and finalize it by December 16, 2006.

In view of this, the biological opinion should be reissued in conjunction with this project concerning whether it will destroy or adversely modify designated critical habitat. The study area most certainly contains critical habitat for the Holmgren milkvetch. The critical habitat designation should have been made earlier and the delay in completing that designation can only be blamed on government delay and failure of Congress to properly fund the ESA. Critical habitat considerations will need to include state and federal lands. The response on 11-147 in the FEIS failed to even acknowledge the issue of critical habitat designation nor was it addressed in revised biological opinion.

### **Additional mitigation required because cumulative impacts are not being fully taken into account**

Part of the mitigation for Southern Corridor, should it proceed, would include an endowment for (a) ongoing monitoring of rare and endangered plant species and (b) manual pollen transport or other activities as decided by a specially appointed habitat fragmentation team to address gene flow and related issues regarding rare plant populations.

The Southern Corridor is “just the beginning” as indicated in an April 24, 2005 article (Spectrum, 2005). The article goes on to state that the “Sun River Parkway, which will connect to the new Atkinville interchange, will eventually provide the beginning of the Western Corridor running along the west side of St. George up into the Ivins area. Apparently the city of St. George will be spending \$200,000 next year to look at beltway issues. There have been land swapping negotiations and discussions and proposed maps with respect to the Western Corridor for many years, perhaps even a decade. We raised this issue in our DEIS response and the reply was that essentially that other impacts could not be considered until projects were formally proposed (see 11-156). Yet, these imminently planned projects will impact the same imperiled species, *Arctomecon humilis* and *Astragalus holmgreniorum*. These species have nowhere else to go. No new populations have been found despite extensive surveying. Not only have these species been utterly fragmented by I-15 which was constructed in a less enlightened era, massive Bloomington expansion which built over poppy habitat, Sun River expansion which is potentially building over Holmgren milkvetch habitat, severe losses at Shinob Kibe and elsewhere and then the drought of recent years, but now all of these federal and state highway and other road projects will impact them further. They will simply not be able to withstand all of these impacts.

If this project proceeds, mitigation MUST include the protection of the most pristine populations of these two species which would include Boomer Hill, and Cove Wash which lie in the path of the inevitable Western Corridor. These areas must be completely protected partly at least with funds for Southern Corridor impacts. These areas must be fully protected with fencing and with connecting corridors to nearby plant populations where gene flow is still possible.

### **Roads as connecting corridors**

Highways per U.S. Department of Transportation pamphlets and flyers are supposed to serve as corridors and innovative ecological solutions are required (Nature of Roadsides, FHWA publication). Revegetation work should only involve seed collected from adjacent areas. Any/all listed species as well as sensitive plant species should be protected within right of ways. If an Atkinville interchange is constructed, connecting planting beds of nearby Utah native plants should be provided and maintained which could help to provide at least some possibility of pollinator connectivity as well as help to function as a safety barrier for bicycle or pedestrian crossings and improve aesthetics in general and provide for a healthier environment. We would recommend that Dr. Susan Meyer of the FS Shrub Lab in Provo be consulted in this regard and with respect to other possible roadway strips that could be planted whether in conjunction with overpasses or in connection with other roadways relating to this project.

### **Summary**

Significant additional mitigation must be provided in view of the clear nexus between SITLA activities and the Southern Corridor and because of a wide array of impending impacts and cumulative historical impacts and with increased focus on pollinators. Currently populations that exist within the aim of the Atkinville interchange in light of plans to connect it to Santa Clara must be provided for now and cannot be delayed for consideration later.

Sincerely,

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(see above)

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References:

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