



UTAH PUBLIC LANDS ALLIANCE

*Together We Will Win,
But We Can't Do It Without
You*

January 28, 2025

The Honorable Doug Burgum
Secretary, U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Mr. Bill Groffy
Deputy Director, Bureau of Land Management
1849 C Street NW
Washington, D.C. 20240

Subject: Request for Department of the Interior Appeal and Policy Review – Center for Biological Diversity et al. v. Culver et al., Case No. 21-cv-07171-SI

Dear Secretary Burgum and Deputy Director Groffy,

The Utah Public Lands Alliance (UPLA) respectfully submits this letter to express our serious concern regarding the January 23, 2026 order issued in Center for Biological Diversity, et al. v. Culver, et al., Case No. 21-cv-07171-SI, in which the U.S. District Court for the Northern District of California granted in part the plaintiffs' motion for vacatur and injunctive relief affecting the West Mojave (WEMO) route network. We urge the Department of the Interior and the Bureau of Land Management to carefully evaluate and pursue an appeal of this ruling. The implications of this decision extend far beyond a single planning area; they reach into the core interpretation of federal land management statutes, the proper application of the Endangered Species Act, and the long-standing principle that public lands must remain accessible and available for balanced multiple use.

UPLA represents thousands of public lands users throughout the Intermountain West, including a substantial number of members who travel regularly to the Mojave Desert and the WEMO planning region. Although our organization is headquartered in Utah, our members are frequent visitors to the desert landscapes of southern California and have been for decades. These visitors contribute meaningfully to the regional economy through tourism, lodging, vehicle services, food purchases, equipment supplies, and recreation events that support rural communities across the Mojave Desert. In practical terms, the economic footprint of public lands recreation does not stop at state boundaries. The

visitors who travel to the WEMO region from neighboring states represent an important component of the regional recreation economy, and UPLA's membership therefore constitutes a legitimate and longstanding stakeholder constituency in the future management of this landscape.

The court's order vacates portions of the 2019 WEMO route network and requires the closure of extensive mileage of designated routes located within desert tortoise critical habitat while the Bureau of Land Management conducts remand proceedings. **Under the 2019 WEMO Travel Management Plan, approximately 5,997 miles of designated routes were available for motorized travel for this BLM-administered planning area. The court's ruling effectively removes authorization for approximately 2,200 miles of those routes, constituting closure of 37% of the entire designated route network that had previously been established following many years of environmental review, public engagement, and interagency coordination.**

When viewed spatially rather than simply in terms of route mileage, the scale of the access restriction becomes even more significant. Desert tortoise critical habitat within the WEMO planning area encompasses roughly 3.2 million acres of public land. The practical effect of the court's order is therefore to remove motorized access across approximately one-third of the BLM lands within the WEMO region, notwithstanding the fact that those lands had previously been accessible through a carefully designated route network developed under the 2019 plan. For a desert landscape defined by immense distances, extreme environmental conditions, and limited infrastructure, the removal of motorized routes across such a large geographic area renders many of these lands effectively inaccessible to the public.

The Mojave Desert is not a landscape where meaningful access can typically occur on foot. Temperatures regularly exceed 100 degrees, distances between safe staging areas are often measured in dozens of miles, and water availability is extremely limited. In such conditions, motorized access on established routes is not merely a recreational convenience; it is often a basic requirement for safe and practical visitation. The closure of large portions of the route network therefore has the functional consequence of eliminating public access to enormous areas of federal land, including access for families, older visitors, individuals with limited mobility, and members of the public who rely on vehicle travel to safely traverse desert terrain. These lands remain publicly owned, yet they become functionally unreachable to the very citizens whose tax dollars support their management.

The displacement effects associated with large-scale route closures are also significant. When access across a broad landscape is removed without evaluating the redistribution of visitor use, recreation activity inevitably shifts and concentrates into the smaller number of remaining accessible areas. This phenomenon is widely recognized in recreation management literature and has important ecological implications. Concentrated visitation can increase soil disturbance, vegetation damage, and visitor conflict in areas that remain open, creating unintended environmental consequences that may exceed the impacts associated with a dispersed, managed route network. The cumulative consequences of redistributing thousands of recreation users across a reduced access footprint deserve serious evaluation before long-standing route systems are removed from the landscape.

The timing of this decision is also particularly consequential in light of current federal policy direction regarding critical habitat designations. The Administration has directed the U.S. Fish and Wildlife Service

to review existing critical habitat designations nationwide to ensure that they reflect contemporary scientific understanding and statutory intent. The WEMO decision, however, imposes sweeping land-use restrictions based upon the very critical habitat boundaries that federal agencies have now been instructed to reassess. Implementing extensive closures before that broader review has occurred risks entrenching outdated assumptions into federal land management decisions that may remain in place for years. In our view, this circumstance strongly supports the need for the Department of the Interior to evaluate an appeal while the broader critical habitat review process is underway.

The Endangered Species Act also expressly provides for the consideration of economic impacts when designating or revising critical habitat. Congress acknowledged that while species protection remains paramount, federal agencies must still recognize the real economic effects that land management decisions impose on surrounding communities and industries. The economic consequences of widespread route closures in the Mojave Desert, however, were not meaningfully evaluated in the administrative record underlying this litigation. Off-highway vehicle recreation represents a substantial economic engine throughout the American West. Economic studies conducted in California have demonstrated that OHV recreation generates billions of dollars annually in statewide economic output while supporting tens of thousands of jobs and significant local tax revenues. A considerable portion of that activity occurs in desert regions where critical habitat overlaps with long-established recreation routes. Visitors traveling from other states, including Utah, form a meaningful share of that recreation economy, and the closure of large portions of the WEMO route network has immediate economic implications for businesses and communities throughout the region.

Equally important are the biological assumptions that shaped the litigation record itself. Much of the analytical framework used to evaluate desert tortoise impacts draws heavily upon studies conducted several decades ago. While those early studies were foundational to desert tortoise conservation efforts, the scientific understanding of desert ecosystems has evolved significantly in the years since. Contemporary peer-reviewed research increasingly identifies human-subsidized avian predators, particularly common ravens, as a dominant driver of juvenile desert tortoise mortality across much of the Mojave Desert. Raven populations have expanded substantially in response to anthropogenic food sources, landfills, utility infrastructure, and development corridors, fundamentally altering predator-prey dynamics across desert landscapes.

At the same time, upper respiratory tract disease associated with *Mycoplasma* pathogens has emerged as a widespread and persistent threat to desert tortoise populations. Disease prevalence can significantly reduce survival rates and reproductive success across multiple recovery units. Modern ecological research therefore emphasizes that desert tortoise population trends are influenced by a complex interaction of stressors including predator subsidy effects, disease dynamics, habitat fragmentation, and climatic variability. When considered within this broader ecological context, the impacts associated with designated recreation routes represent only one component of a multifaceted system of pressures affecting tortoise populations.

The reliance on legacy analytical assumptions in litigation involving the ESA raises important questions regarding whether the best available science standard has been fully satisfied. Federal land management decisions must reflect current ecological understanding rather than relying primarily on historical datasets

that predate major advances in desert ecosystem science. Re-examining the scientific foundations underlying the WEMO decision may therefore be essential to ensure that management responses address the most significant drivers of desert tortoise mortality.

Finally, the policy framework used to evaluate route designations under FLPMA merits careful reconsideration. Over time, the interpretation of route minimization criteria has evolved toward an approach that often emphasizes route closure as the default management response. Yet the statutory language of FLPMA does not require wholesale elimination of routes across large landscapes. Rather, it directs land managers to prevent unnecessary or undue degradation while maintaining the multiple uses for which public lands are managed. That standard inherently recognizes that conservation, recreation, grazing, energy development, and other land uses must coexist under a balanced stewardship framework. Treating public access itself as a source of degradation risks distorting the intent of the statute and undermining the multiple-use mandate that has guided federal land management for nearly half a century.

For these reasons, UPLA respectfully encourages the Department of the Interior to consider both an appeal of the WEMO decision and a broader review of the policy framework governing route minimization under FLPMA. Clarifying the statutory interpretation of these provisions would provide important guidance to BLM field offices across the West that are tasked with balancing conservation objectives alongside responsible public access.

Although our organization is headquartered in Utah, UPLA's members have longstanding ties to the Mojave Desert and the WEMO region. They travel there regularly, contribute economically to surrounding communities, and value the opportunity to experience these landscapes responsibly. In that sense, UPLA's members are stakeholders in the future of the region just as much as organizations located within California. Public lands belong to all Americans, and decisions that affect their accessibility inevitably carry national implications.

UPLA stands ready to assist the Department and the Bureau of Land Management in any way that may be helpful as you evaluate the implications of this ruling. Our organization maintains extensive experience in public lands policy, recreation management, and collaborative stewardship efforts across the West. We would welcome the opportunity to share data, field observations, and stakeholder perspectives that may assist in developing balanced, science-based land management strategies moving forward.

Thank you for your time and for your continued leadership in the stewardship of America's public lands.

Sincerely,

Rose Winn
Natural Resources Consultant
Utah Public Lands Alliance

Loren Campbell
President
Utah Public Lands Alliance

CC: The Honorable Senator Mike Lee
The Honorable Senator John Curtis