UTAH PUBLIC LANDS ALLIANCE

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

March 20, 2026

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 (ESA), 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.

Relevance to Utah and Broader ESA Precedent

While this case arises from the WEMO planning area in California, its implications are immediate and substantial for the State of Utah. Utah contains 17 federally listed endangered species and at least 4 listed as threatened, including the Mojave desert tortoise within the southwestern portion of the state. Additionally, species such as Milk Vetch (Astragalus spp.), which was directly implicated in the 2024 merits ruling, are present across Utah's desert ecosystems and frequently occur within areas subject to BLM travel management planning.

If the legal theory advanced in this case… and accepted by the court… is allowed to stand without appellate review, it will establish a precedent that can be readily applied to virtually any BLM Travel Management Plan in Utah where listed species or designated habitat overlaps with route networks. The risk is not hypothetical. The inclusion of Milk Vetch species in the merits ruling demonstrates that this litigation strategy is not limited to a single species but is instead broadly applicable to a wide range of ESA-listed plants and animals. **The logical extension of this ruling invites serial litigation across Utah's public lands**, where overlapping designations are common and where travel networks are essential to safe and practical access.

Scale and Functional Impact of the WEMO Closures

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 functionally 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.

Scientific Context: Desert Tortoise Status and Mischaracterization of Threats

The Mojave desert tortoise is listed under the ESA as threatened, not endangered, reflecting the U.S. Fish and Wildlife Service's determination that the species was likely to become endangered in the foreseeable future at the time of listing in 1990. Importantly, this projection has not materialized. The most recent 2022 Five-Year Status Review reaffirmed that the species' classification as threatened remains appropriate and does not warrant uplisting to endangered status (U.S. Fish and Wildlife Service [USFWS], 2022).

The 2022 USFWS review identifies the five primary threats to the Mojave desert tortoise as:

- Habitat fragmentation
- Invasive grasses increasing wildfire frequency
- Disease (particularly upper respiratory tract disease)
- Raven predation
- Energy and infrastructure development (USFWS, 2022)

Notably absent from this list is motorized recreation as a primary driver of population decline. While recreation can have localized impacts, the best available science demonstrates that broader landscape-scale stressors - particularly raven predation and disease dynamics - are the dominant factors influencing tortoise population trends.

The scientific literature is unequivocal on this point. Raven predation, fueled by anthropogenic subsidies such as landfills, powerlines, and urban expansion, has been identified as a leading cause of juvenile mortality (Boarman & Berry, 1995; Kristan & Boarman, 2003). Similarly, upper respiratory tract disease has significantly affected population viability across multiple recovery units (Jacobson et al., 2014). These factors operate largely independent of designated route networks and are not mitigated through widespread route closures.

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.

Negligence to Address Current Federal Policy on Critical Habitat Designation and Economic Impacts

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.

Energy Development Contradictions and Policy Conflict

The USFWS 2022 review further identifies energy and infrastructure development as a major threat to desert tortoise habitat. Since that review, federal initiatives such as the Western Solar Plan and the Desert Renewable Energy Conservation Plan (DRECP) have expanded large-scale solar development across the Mojave Desert. This raises a critical and unresolved question: if the court's reasoning is applied consistently, do these BLM-approved energy development plans now face legal vulnerability under the same theory used to invalidate the WEMO plan?

The inconsistency is stark. Industrial-scale solar development results in permanent habitat conversion, fencing, grading, and long-term exclusion of wildlife movement. In contrast, designated route networks represent managed, linear disturbances that allow for continued habitat connectivity and public access. Yet the court's ruling disproportionately targets recreation while leaving far more intensive land uses unaddressed.

Procedural Concerns: Forum Shopping and Judicial Bias

The procedural posture of this case further undermines confidence in the neutrality of the outcome. Although the WEMO planning area is located in Southern California, the case was filed in the Northern District of California, a jurisdiction widely recognized as favorable to environmental plaintiffs. While venue selection is permissible under federal rules, the practice of forum shopping to secure a more favorable judicial outcome is well documented.

This tactic has been employed in other recent cases affecting public land access, including the Northern Corridor litigation, which was filed in multiple jurisdictions to maximize the likelihood of favorable rulings. The WEMO case reflects a similar strategic approach, raising legitimate concerns regarding the impartiality of the venue selection and its influence on the outcome.

Overly Broad Remedy and Departure from Established Legal Standards

Perhaps most concerning is the scope of the remedy imposed by the court. **Historically, when a Travel Management Plan is found deficient, courts have applied a limited vacatur, returning management to the prior plan while directing the agency to correct identified deficiencies.** In this case, however, the court imposed immediate, large-scale route closures without reverting to the prior 2006 WEMO plan.

That plan, developed through a full NEPA process, authorized approximately 5,100 miles of routes under its preferred alternative, representing a balanced management approach.

By declining to reinstate the prior plan, the court instead created a regulatory vacuum filled by sweeping closures. This approach departs from established administrative law principles and fails to account for the irreparable harm to public access that results from route closures. Historical evidence demonstrates that once routes are closed, they are rarely reopened, regardless of subsequent planning outcomes.

Policy Context: Minimization Criteria and Administrative Influence

The litigation and subsequent ruling must also be viewed within the broader policy context of the prior administration. The case was briefed and argued during a period in which federal policy direction increasingly emphasized restrictive interpretations of route minimization criteria, culminating in policy memoranda that encouraged aggressive reduction of route networks. This policy environment influenced the administrative record and likely shaped the analytical framework presented to the court. The result is a ruling that reflects not only legal interpretation but also a specific policy orientation that is inconsistent with the multiple-use mandate of FLPMA.

Multiple-Use Mandate and Statutory Misinterpretation

FLPMA requires the Bureau of Land Management to manage public lands under principles of multiple use and sustained yield, balancing recreation, conservation, grazing, energy development, and other uses. The court's ruling effectively elevates a single-use preservation framework above all other statutory mandates. This interpretation is inconsistent with Congressional intent. The minimization criteria were never intended to mandate the wholesale elimination of routes but rather to ensure that route systems are designed to avoid unnecessary or undue degradation while maintaining access. By treating access itself as a form of degradation, the ruling distorts the statutory framework and undermines the balance that FLPMA is intended to achieve.

Request for Action

For the reasons outlined above, UPLA respectfully urges the Department of the Interior to:

1. **Pursue an appeal** of the WEMO decision to address its legal, procedural, and scientific deficiencies
2. **Clarify the application of minimization criteria** under FLPMA to ensure alignment with multiple-use mandates
3. **Evaluate the broader implications** of this ruling for ESA implementation across the West, particularly in Utah
4. **Ensure that future land management decisions are grounded in current, best available science**, rather than outdated or selectively applied analyses

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 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: Senator Mike Lee, Senator John Curtis, Congressman Jay Obernolte, Congressman Vince Fong, Senator Adam Schiff, Senator Alex Padilla, Kern County Supervisor Phillip Peters (District 1), Kern County Supervisor Chris Parlier (District 2), Kern County Supervisor Jeff Flores (District 3), Kern County Supervisor David Couch (District 4), Kern County Supervisor Leticia Perez (District 5), San Bernadino County Supervisor Paul Cook (District 1), San Bernadino County Supervisor Jesse Armendarez (District 2), San Bernadino County Supervisor Dawn Rowe (District 3), San Bernadino County Supervisor Curt Hagman (District 4), San Bernadino County Supervisor Joe Baca (District 5)

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