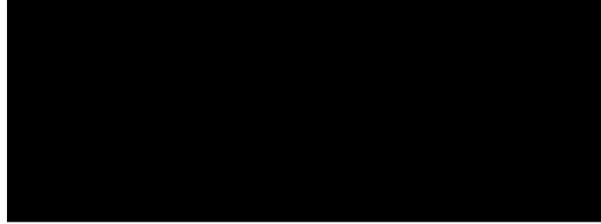


November 13, 2006

Carrie Hyke, Supervising Planner
San Bernardino County, Land Use Services Department,



RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR NURSERY PRODUCTS
HAWES COMPOSTING FACILITY. Dated September 2006.
State Clearinghouse No. 2006051021

Dear Ms. Hyke:

I previously submitted scoping comments on the above project on behalf of the Desert Tortoise Preserve Committee and the Desert Tortoise Council. The proposed location of the project is habitat for the state- and federal-listed desert tortoise and the state-listed Mohave ground squirrel. The project will have long lasting, direct and indirect impacts on these species and likely result in their take.

The Draft Environmental Impact Report (DEIR) has not addressed a number of the comments I raised in my scoping letter of June 8, 2006. I have attached a copy of the June 8, 2006 scoping letter and incorporate the contents by reference into this comment letter. The final EIR should address all the issues that have been raised in the scoping letter. In addition, I would like to offer the following comments on the DEIR that should be addressed in the final EIR.

1. The DEIR characterizes the project not as a dump or landfill but as a composting facility thus: *“It is important to note that composting facilities have been inaccurately compared to landfills; however, that is not an accurate comparison as the proposed composting activities will not likely attract ravens or other birds directly because the compost would not contain edible food or other garbage that would appeal to ravens and other scavengers (see photos in Section 2). Ravens were not recorded at a similar composting site in Adelanto over a recent 5-year monitoring period of the facility during monthly inspections by the San Bernardino County Environmental Health.”* The DEIR fails to support these categorical statements with any documentation. Documentation that projects such as this one will not enhance subsidized tortoise predators would certainly be useful and is required to support the claims made in the DEIR.
2. The two large ponds at the north end of the project must be covered year round to minimize beneficial impacts to the local raven population.

3. The location of the Fort Cady alternative is outside the current range of the Mohave ground squirrel. The EIR should note that both the “no project” and the Fort Cady alternatives would have no impact on the Mohave ground squirrel. In contrast, the proposed action will impact the Mohave ground squirrel. Both the “no project” and the Fort Cady alternatives pose significantly less environmental impacts to the desert tortoise and the Mohave ground squirrel than the proposed project.

4. In my scoping letter, I stressed the need for the project proponents to describe the likely wind plume from the project site. “*The EIR must also determine the likely wind plume for all the waste components, including the biosolids, proposed for dumping at the site.*” This was requested so that the area of desert tortoise critical habitat that will be impacted by airborne toxicants and project caused nitrification could be determined.

This information has not been presented in the document. However, Table 4.3.12 (page 4.25) predicts maximum offsite ammonia concentrations due to the composting windrows at the Nursery Products Hawes Composting Facility. The data that is provided is troubling and should be augmented and explained in greater depth.

The predicted acute levels at the site boundary ($6906 \mu\text{g}/\text{m}^3$) are more than twice the reference exposure level of $3,200 \mu\text{g}/\text{m}^3$. As the DEIR notes, the immediate adjacent area is occupied desert tortoise critical habitat. The desert tortoises that are present on these federal lands will be exposed to ammonia levels that are predicted to be well above the reference exposure level. Acute ammonia exposure may lead to injurious effects to the respiratory and ocular systems. In addition to its direct toxicity, ammonia exposure is known to increase the pathologic conditions associated with *Mycoplasma pulmonis* infection in rats.¹ Desert tortoise populations have been devastated by related *Mycoplasma* species.² Any parameter that could enhance the risk of a new Upper Respiratory Tract Disease epidemic breaking out in West Mojave desert tortoises needs careful and thorough review.

The DEIR fails to provide any analysis of the impacts of this ammonia on desert tortoises and their habitat in the adjacent areas where ammonia concentrations well above the reference exposure level are predicted to occur. The DEIR must estimate the expected take of tortoises and the considerable area of critical habitat that will be modified by the ongoing release of ammonia from the project during the projects entire operation. Only then could appropriate mitigations be determined.

5. On a related note to point 4. Where is the analysis of potential threats to human health and safety for users of Highway 58 who will be driving through the ammonia plume? The eye is particularly sensitive to ammonia. What is the risk posed by driver’s tearing as they drive through the area?

6. The Final EIR must provide a detailed account of the mitigation measures that will offset all the impacts of the projects operation including the habitat lost through airborne toxicity and nitrification. The DEIR only addresses replacement habitat for the project site itself and not all the habitat that will be impacted.

¹ CHRONIC TOXICITY SUMMARY AMMONIA (Anhydrous ammonia; aqueous ammonia) CAS Registry Number: 7664-41-7

² Fish and Wildlife Service. 1994. Desert tortoise (Mojave population) recovery plan. U.S. Fish and Wildlife Service, Portland, Oregon. 73 pp. plus appendices.

7. The DEIR does not provide for adequate mitigation for take of tortoises on roads by the truck traffic generated. At a minimum, within the DWMA all roads leading to the site should be fenced with tortoise barrier fencing.
8. Monitoring for weeds while useful will not mitigate the impacts of nitrification unless the monitoring has associated triggers that will close the facility. These should be added.
9. The federal portion of the West Mojave Plan has been completed. The word proposed should removed where appropriate and the project reviewed for compatibility with the published plan.

I thank you for the opportunity to comment on this Draft Environmental Impact Report. Please keep us informed of any decisions or actions related to this or similar projects. If you require more information, please feel free to contact me by telephone at [REDACTED] mail at [REDACTED]

Sincerely,

A handwritten signature in black ink that reads "Michael J. Connor". The signature is written in a cursive style and is underlined with a single horizontal line.

Michael J. Connor, Ph.D.