



Chapter 1 • Purpose and Need

Chapter 1: Purpose and Need

1.0 INTRODUCTION

The Bureau of Land Management's (BLM) St. George Field Office (SGFO) administers approximately 629,000 surface acres of public lands in Washington County, Utah. These lands are located at the convergence of three distinctive ecoregions, the Mojave Desert, Great Basin, and Colorado Plateau, where many native plants and animals have evolved into unique species, some found nowhere else on earth. Important evidence of Earth's geologic history and past human cultures is also preserved on public lands in Washington County, making these some of the most sensitive lands managed by BLM.

The Beaver Dam Wash National Conservation Area (Beaver Dam Wash NCA) and the Red Cliffs National Conservation Area (Red Cliffs NCA) are located within the administrative boundaries of the SGFO. Congress established the two NCAs when, on March 30, 2009, President Barack Obama signed into law the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202, Public Law 111-11). Title I, Subtitle O of the Omnibus Public Land Management Act

concerns public lands managed by BLM in Washington County, Utah (Appendix A), and is hereinafter referred to as OPLMA.

The two NCAs were created to “conserve, protect, and enhance...the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources” of the public lands (OPLMA Sections 1974 and 1975). In October of 2009, Congress modified the boundaries and reduced the acreage of the Beaver Dam Wash NCA by 5,000 acres, through a “legislative rider” to the 2010 Interior and Environment Appropriations Bill Conference Agreement. The change was made to exclude a designated utility corridor from the NCA, to facilitate management of the corridor for future utility line developments.

This chapter provides detailed information on the purpose and need for this land use-level planning process; the purpose and significance of the new NCAs; and the planning and management issues, identified by BLM, other federal agencies, state and local governments, Indian tribes, and the public, considered in development of the land use plans.

Photo 1-1 Navajo Sandstone Cliffs of the Red Cliffs NCA



What Are National Conservation Areas?

National Conservation Areas (NCAs) are Congressionally-designated units of public land, managed by BLM within its National Landscape Conservation System, known as National Conservation Lands. National Conservation Lands also include National Monuments, Wilderness and Wilderness Study Areas, Wild and Scenic Rivers, National Scenic and Historic Trails, and other areas designated by acts of Congress or Presidential Proclamation (under the authority of the Antiquities Act of 1906) to be administered for conservation purposes. BLM is the only agency in the country that manages National Conservation Areas.

1.1 PURPOSE AND NEED FOR RESOURCE MANAGEMENT PLANS FOR THE NCAS AND AN AMENDMENT TO SGFO RESOURCE MANAGEMENT PLAN

The purpose of this planning process is to satisfy specific mandates from OPLMA that directed the Secretary of the Interior (Secretary), through BLM, to develop comprehensive plans for the long-term management of Beaver Dam Wash NCA and Red Cliffs NCA. The legislation also required BLM to take actions and make land use allocations on public lands in Washington County that require the *St. George Field Office Record of Decision (ROD) and Resource Management Plan (RMP approved in 1999, amended in 2001)* be amended. The three planning efforts were initiated concurrently, thereby facilitating the preparation of a single Environmental Impact Statement (EIS) to disclose the environmental consequences of implementing the two new land use plans and an amendment to the current SGFO RMP.

1.1.1 Beaver Dam Wash NCA Resource Management Plan

Section 1975 (d) (1) of OPLMA mandates the Secretary, through BLM, to develop a comprehensive (resource)

management plan for the Beaver Dam Wash NCA to achieve the following Congressionally-defined purpose:

To conserve, protect and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area. (OPLMA Section 1975 (a))

Land use planning goals, objectives, and management decisions approved in the RMP for the Beaver Dam Wash NCA must be consistent with the purposes, authorized uses, and other mandates from OPLMA. The mandates of OPLMA emphasize conservation, protection, enhancement, and restoration of public land values as the designation purposes for the NCA.

Regarding authorized uses, OPLMA at Section 1975 (e) (2) specifies that “the Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further the purpose” for which the NCA was designated. OPLMA Section 1975 (g) (1) specifically restricts allowable uses by withdrawing the public lands of this NCA, subject to valid existing rights, from:

Photo 1-2 Wildlife Resource: Mule Deer in the Beaver Dam Wash NCA



All forms of entry, appropriation, and disposal under the public land laws; Location, entry, and patenting under the mining laws; and Operation of the mineral leasing, mineral materials, and geothermal leasing laws.

At Section 1975 (e) (3), Congress addressed motorized vehicle access and travel in the Beaver Dam Wash NCA by designating three areas (labeled “Designated Road Areas” on the legislative map of the NCA) where motorized vehicle travel is permitted only on the roads identified on that map. In areas outside of the “Designated Road Areas”, motorized vehicle travel is limited to roads to be designated by BLM through a planning process. There is an exception from the motorized travel restrictions in the Act for cases where motorized vehicles are needed for administrative purposes or to respond to an emergency.

1.1.2 Red Cliffs NCA Resource Management Plan

Section 1974 (d) (1) of OPLMA mandates the Secretary, through BLM, to develop a comprehensive (resource) management plan for the Red Cliffs NCA to achieve the following Congressionally-defined purposes:

To conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

To protect each species that is located in the National Conservation Area; and listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under... the Endangered Species Act of 1973. (OPLMA Section 1974 (a))

Land use planning goals, objectives, and management decisions approved in the RMP for the Red Cliffs NCA must be consistent with the purposes, authorized uses, and other mandates from OPLMA. The mandates of OPLMA emphasize conservation, protection, enhancement, and restoration of public land values as the designation purposes for the NCA.

Regarding authorized uses, the OPLMA Section 1974 (e) (2) specifies that “the Secretary shall only allow uses of the National Conservation Areas that the Secretary determines would further the purpose” for which the NCA was designated. OPLMA Section 1974 (g) (1) specifically restricts allowable uses

Photo 1-3 Scientific Resource: A Kayentapus Dinosaur Track in the Red Cliffs NCA



Paleontological Resource Preservation

Paleontological Resource Preservation became law on March 30, 2009, as part of the Omnibus Public Lands Act of 2009, whereby Congress recognized the value of paleontological resources as a natural legacy and an irreplaceable part of America’s heritage.

by withdrawing the public lands of this NCA, subject to valid existing rights, from:

- All forms of entry, appropriation, and disposal under the public land laws;
- Location, entry, and patenting under the mining laws; and
- Operation of the mineral leasing, mineral materials, and geothermal leasing laws.

1.1.3 Amendment to SGFO RMP

For BLM to satisfy other mandates from OPLMA, the SGFO RMP must be amended through a land use planning process. Each of these mandates is described in detail below, with information on how the Amendment was drafted to address the Congressional requirements.

1.1.3.1 Designation of Areas of Critical Environmental Concern

Section 1979 (a) (1) and (2) of OPLMA, directs the Secretary, through BLM, to “identify areas located in the County where biological conservation is a priority; and undertake activities to conserve and restore plant and animal species and natural communities within such areas.” Satisfying this legislative mandate from OPLMA could be accomplished through the administrative designation of new areas of critical environmental concern (ACECs) on public lands, to direct special management attention to biological resources and natural communities that meet one or more of the following criteria for both relevance and importance (*BLM Manual 1613.1*):

Relevance: An area meets the “relevance” criteria if it contains one or more of the following:

- ▶ A fish and wildlife resource (including but not limited to habitat for endangered, sensitive, or threatened species, or habitat essential for maintaining species diversity).
- ▶ A natural process or system (including but not limited to endangered, sensitive, or threatened plant

species, rare, endemic, or relic plants or plant communities which are terrestrial, aquatic, or riparian or rare geological feature).

Importance: The resource, system, or process described above must have substantial significance and value in order to satisfy the importance criteria. This generally means that the resource, system, or process is characterized by one or more of the following:

- ▶ Has more than locally significant qualities that give it worth, consequence, meaning, distinctiveness, or cause for concern, especially compared to any similar resource.
- ▶ Has qualities or circumstances that make it fragile, sensitive, rare, irreplaceable, exemplary, unique, endangered, threatened or vulnerable to adverse change.
- ▶ Has been recognized as warranting protection in order to satisfy national priority concerns or to carry out the mandates of the Federal Land Policy and Management Act.

Pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq., PL 94-579, FLPMA) at Section 202 (c) (3), the identification, evaluation, and designation of ACECs must be accomplished through a land use planning process. In order to administratively designate new ACECs for relevant and important biological resources and natural communities, SGFO RMP must be amended.

1.1.3.2 Management of Priority Biological Conservation Areas

BLM could also amend the SGFO RMP to achieve biological conservation objectives, as directed by OPLMA, by identifying priority biological conservation areas and proposing management decisions for those areas where biological resources are in need of protection, but do not meet one or more of the criteria for both relevance and importance required for ACEC designation. Changes to existing

goals, objectives, and management decisions from the SGFO RMP for specific areas of public lands in Washington County can only be made through land use planning, requiring that the SGFO RMP be amended.

During this planning effort, BLM solicited input from federal agencies, state and local governments, Indian tribes, and the public, to identify public lands in Washington County where biological conservation is a priority and where new ACECs should be designated or other special management applied to conserve and restore plant and animal species and natural communities.

1.1.3.3 Off-Highway Vehicle Area Designations

Section 1977 (b) (1) of OPLMA, directed the Secretary, through BLM, to “develop a comprehensive travel [and transportation] management plan” (TMP) for public lands in Washington County. Prior to the development of this plan, the SGFO RMP must be amended to modify certain existing off-highway vehicle (OHV) area designations (open, limited or closed), to be in compliance with the Code of Federal Regulations (CFR) at 43 CFR 8340.0-5, (f), (g), and (h) respectively and 43 CFR 8342.1 (a-d) and related agency policies. Area designations provide the framework within which individual route designations are made, as BLM prepares the legislatively-mandated travel management plan for public lands in Washington County.

Draft RMPs for the new NCAs and a Draft Amendment to the SGFO RMP have been prepared to satisfy BLM’s specific land use planning mandates from OPLMA. A single Draft Environmental Impact Statement (Draft EIS) has been completed to disclose the potential environmental consequences of implementing the goals, objectives, and management decisions of the draft plans, in compliance with the National Environmental Policy Act of 1969 (42

U.S.C. 4321 et seq.) (NEPA) relating to major federal actions.

1.2 PLANNING AREAS AND MAPS

1.2.1 Beaver Dam Wash NCA

The Beaver Dam Wash NCA (Photo 1-4) is located in the southwestern corner of Washington County, bounded on the west by the Nevada state line and by the Arizona state line on the south (Map 1-1). The public lands of the NCA remain relatively remote and isolated, as Old Highway 91 is the only paved roadway through the Beaver Dam Wash NCA.

The NCA is within an ecological transition zone between the hot, arid Mojave Desert and the cooler Great Basin Desert. Desert shrubs grow at the lower elevations of the NCA and provide critical habitat for the desert tortoise and other wildlife typically associated with the Mojave Desert. Joshua trees and dense stands of blackbrush cover the foothills of the Beaver Dam Mountains, the dominant landform of the eastern NCA. Surface water flows seasonally in Beaver Dam Wash, a prominent feature of the NCA, sustaining riparian vegetation that provides important habitat for seasonal migratory birds and permanent wildlife residents of this NCA.

Photo 1-4 Joshua Tree Dominated Landscape in the Beaver Dam Wash NCA



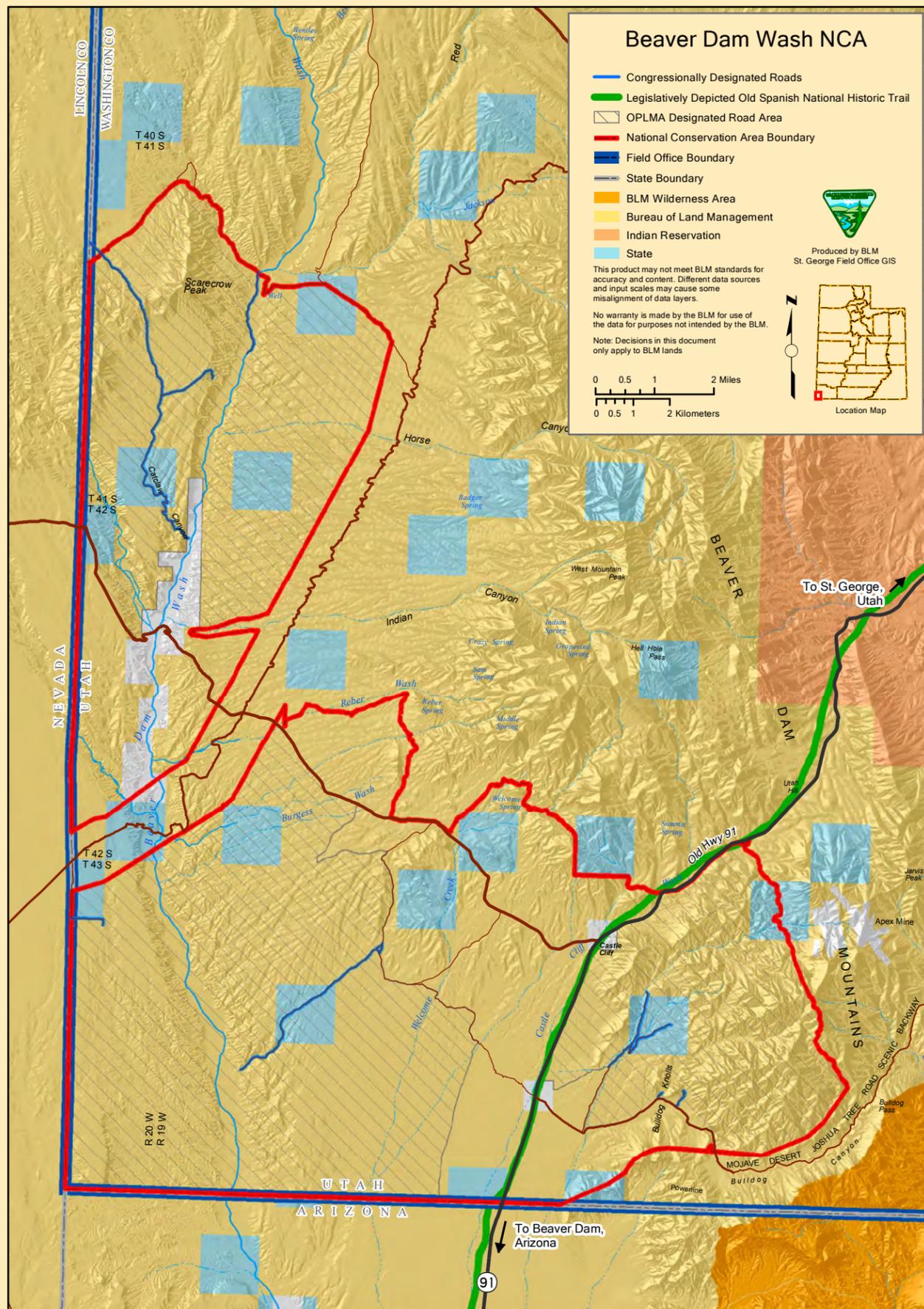
Joshua Tree

The iconic Joshua tree, *Yucca brevifolia*, is a member of the Agave family. In the mid-19th century, as Mormon immigrants made their way west, they named the tree after the biblical figure, Joshua, as the outstretched branches resembled a figure in prayer. (NPS 2014)

What is a Comprehensive Travel and Transportation Management Plan (TMP)?

A TMP is an implementation or “activity” level plan that addresses access needs for all public land uses, taking into account BLM’s legal requirements to protect sensitive natural and cultural resources.

In the TMP, every route on public lands in Washington County will be designated as open, closed, or limited to motorized vehicle travel. In open areas, motorized cross-country travel is permitted. Closed areas are not available for any motorized travel, while in limited areas motorized travel is restricted to designated routes and trails.



Approximately 5 miles of the legislatively-depicted alignment for the Northern Route of the Old Spanish National Historic Trail (OST) crosses north-south through the NCA, generally following Old Highway 91 (Map 1-1). In 2002, Congress designated several branches of the OST as America's 15th National Historic Trail (Public Law (P. L.) 107-325) through an amendment to the National Trail System Act. This designation acknowledged the significant role that this trail network played in the exploration and settlement of the Intermountain West and southern California. Trail branches cross northern New Mexico, southwestern Colorado, nearly the entire length of Utah, southern Nevada, and southern California.

The Beaver Dam Wash NCA is comprised of approximately 63,480 acres of BLM-administered surface acres. Within the boundaries of the NCA are state and private lands; acreage totals for all lands are shown in Table 1-1. Management goals, objectives, and actions proposed in the RMP apply only to the BLM-administered public lands of the NCA. Acquired lands would be managed consistent with RMP decisions.

1.2.2 Red Cliffs NCA

The Red Cliffs NCA is comprised of approximately 44,859 acres of BLM-administered surface acres in south-central Washington County (Map 1-2). Within the boundaries of the NCA are state and private lands; acreage totals for all lands are shown in Table 1-2. Management goals, objectives, and actions proposed in the RMP apply only to the BLM-administered public lands of the NCA. Acquired lands would be managed consistent with RMP decisions.

In contrast to the remote and undeveloped setting of Beaver Dam Wash NCA, the public lands of Red Cliffs NCA are within the annexation zones of Washington County's five largest cities: Hurricane, Ivins, Santa Clara, St. George,

and Washington. Residential and rural residential subdivisions, light industrial areas, commercial and retail businesses, and I-15 about the southern, western and eastern boundaries of the NCA. More than 130 miles of designated hiking, mountain biking, and equestrian trails are available for public use in the Red Cliffs NCA. The Red Cliffs NCA also includes the Red Cliffs Recreation Area, a developed recreation fee site that BLM has managed for camping and day use since the mid-1960s.

Two designated Wilderness areas are totally or partially within the boundaries of the Red Cliffs NCA. The approximately 11,668 acre Cottonwood Canyon Wilderness, included in the National Wilderness Preservation System (Wilderness System) in 2009 through OPLMA, is located entirely within the Red Cliffs NCA. It shares a common boundary with a portion of the Cottonwood Forest Wilderness, managed by the Pine Valley Ranger District of the Dixie National Forest, also added to the Wilderness System by OPLMA. Approximately 8,321 acres of the 18,689 acre Red Mountain Wilderness, included in the Wilderness System in 2009, are located within the Red Cliffs NCA. Hikers, backpackers, and equestrians

"The richest values of wilderness lie not in the days of Daniel Boone, nor even in the present, but rather in the future."

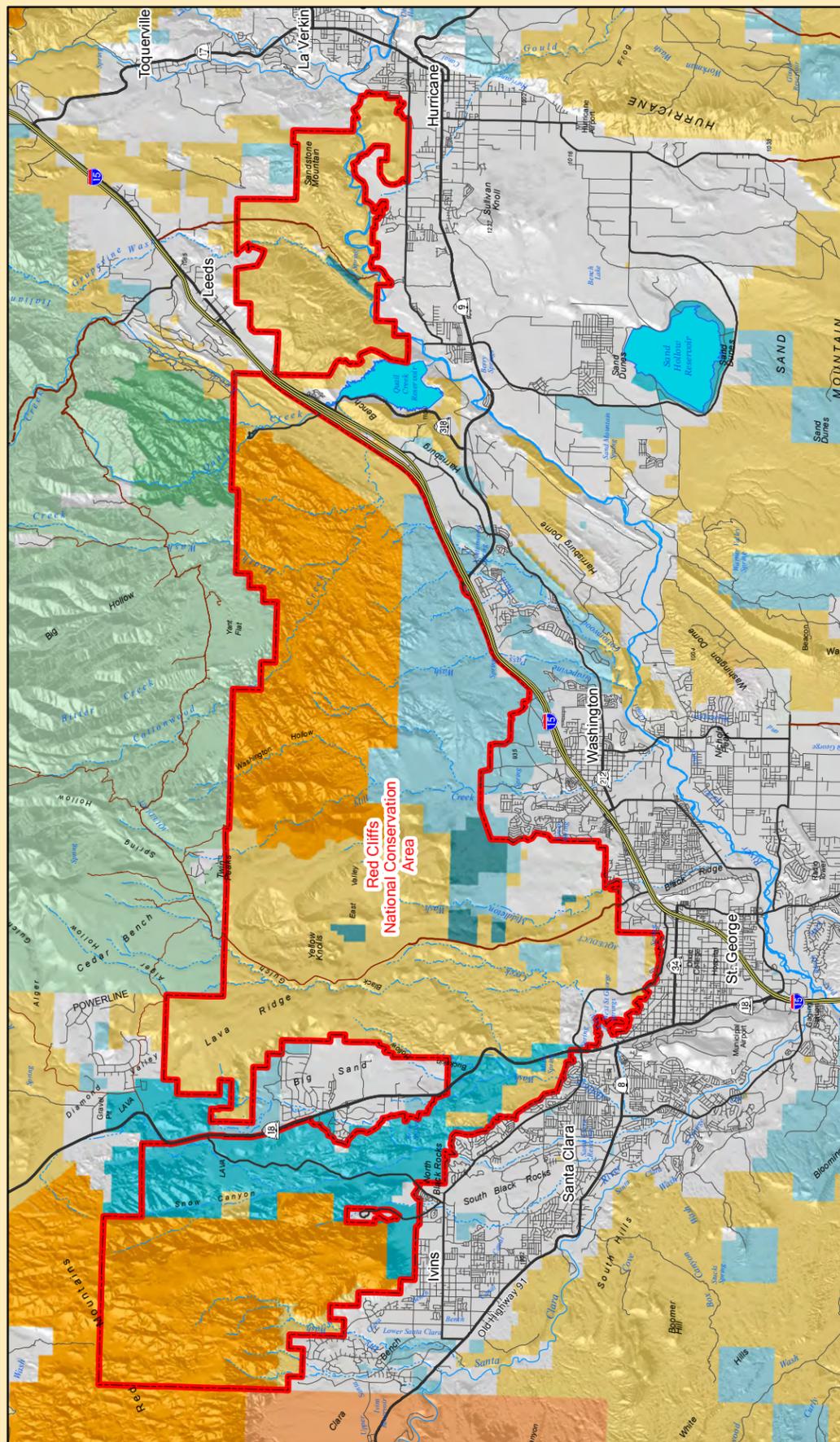
-Aldo Leopold, Conservationist, 1887-1948

Table 1-1 Surface Acre Administration in Beaver Dam NCA

Agency or Entity	Acre
BLM	63,480
Private	2,127
State of Utah	6,492
Total	72,099

Table 1-2 Surface Acre Administration in Red Cliffs NCA

Agency or Entity	Acre
BLM	24,870
BLM Wilderness Areas	19,989
Private	2,631
State of Utah	13,735
Total	61,225



Red Cliffs National Conservation Area (NCA)



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- National Conservation Area Boundary
- BLM Wilderness Area
- Bureau of Land Management
- Indian Reservation
- State
- State Parks and Recreation
- State Wildlife Reserve/Management Area
- US Forest Service (USFS)
- USFS Wilderness Area

enjoy outstanding primitive recreation, opportunities for solitude, and natural quiet within the Cottonwood Canyon and Red Mountain Wilderness areas, just minutes from the most urbanized areas of Washington County.

The public lands of the Red Cliffs NCA comprise approximately 70% of the land base of the approximately 62,000 acre, multi-jurisdictional Red Cliffs Desert Reserve (Reserve). The Reserve was established by Washington County’s multi-species *Habitat Conservation Plan* (HCP), approved by the United States Fish and Wildlife Service (USFWS) in 1995. In 1996, BLM, USFWS, the State of Utah, Washington County, and the City of Ivins signed an HCP Implementation Agreement that specified the obligations and responsibilities of the governmental entities that managed lands within the Reserve.

The Reserve’s land base encompasses designated critical habitat for the federally-listed threatened Mojave desert tortoise (Photo 1-5) within the Upper Virgin River Recovery Unit. This recovery unit was identified as the smallest and most at-risk recovery unit within the desert tortoise’s range by the *Mojave Desert Tortoise Recovery Plan* (USFWS 1994, revised 2011). Since its establishment in 1995, the multi-agency management of the Reserve’s land base has emphasized the protection of habitat and tortoise populations, through restrictions on land uses and human activities. In 1996, Washington County

Photo 1-5 Mojave Desert Tortoise, Federally-Listed Threatened Species



was issued an Incidental Take Permit (ITP) authorizing the development or “take” of approximately 12,264 acres of non-federal lands in critical habitat and the loss of 1,169 tortoises, based on the mitigation afforded by restrictive management of the Reserve and other commitments made through the HCP and Implementation Agreement.

1.2.3 Amendment to the SGFO RMP

The planning area for the Amendment to the SGFO RMP includes the surface acres managed by the SGFO in Washington County (Map 1-3). Other federal, state, and tribal-managed lands, as well as private property, occur within the planning area and those acres are displayed in Table 1-3. Management goals, objectives, and actions proposed in the amendment to the SGFO RMP apply only to BLM-administered public lands.

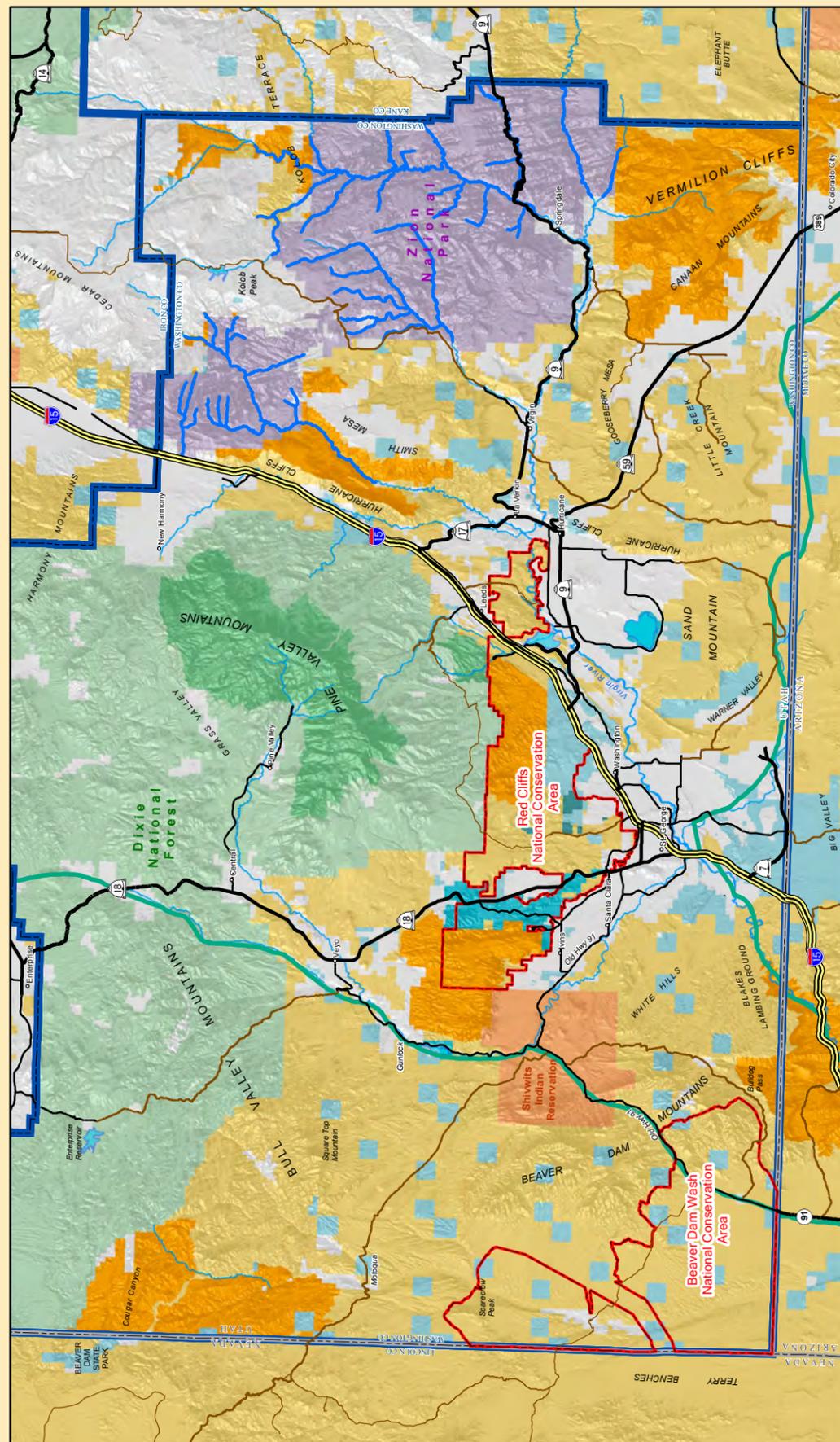
In Washington County, the Southern Basin and Range and Colorado Plateau physiographic provinces converge, separated by a transition zone bounded on the east by the Hurricane Fault and on the west by the Gunlock Fault. This convergence of major landforms creates the scenic vistas that typify southwestern Utah. Zion National Park and the Pine Valley Mountains of the Dixie National Forest define the eastern and northern boundaries of the county. To the west lie the valleys and mountains of Nevada, while the undeveloped expanses of the Arizona Strip are visible immediately to the south. Elevations range from approximately 2,200 feet at the Arizona state line

Table 1-3 Surface Acre Administration in Washington County, Utah

Agency or Entity	Acre
BLM	628,790
Indian Reservation	28,830
State	88,700
NPS	141,990
USFS	423,130
Private	262,440
Total	1,573,880

Mojave Desert Tortoise

Gopherus agassizii has a lifespan of 50 to 80 years and can reach the size of a large dinner plate. Over ninety-five percent of its time is spent underground to escape the heat of summer and the cold of winter. The desert tortoise’s underground home is a deep (three to six feet) burrow, which they dig themselves. Winters are spent in a torpid state (not a true hibernation) in the burrow, but come spring they are most active, seeking food and water.



St. George Field Office Planning Area

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0 1 2 4 6 Miles
0 1 2 4 6 Kilometers

Legend:

- National Conservation Area Boundary
- Planning Area Boundary
- State Boundary
- Wild and Scenic Rivers
- Old Spanish National Historic Trail
- BLM Wilderness Area
- Bureau of Land Management (BLM)
- Indian Reservation (IR)
- National Park Service (NPS)
- State
- State Parks and Recreation
- State Wildlife Reserve/Management Area
- US Forest Service (USFS)
- USFS Wilderness Area

to nearly 10,400 feet in the Pine Valley Mountains. The Virgin River and its many tributaries flow through the county.

Three distinctive floristic provinces—the Mojave Desert, Great Basin Desert, and the Colorado Plateau—also merge here in Washington County. Plant and animal species from each province, many at the extremes of their natural ranges, have adapted and thrived in this biologically rich and diverse ecological transition zone (ecotone). A number of native plants have evolved in this unique environmental setting and grow nowhere else on earth.

1.3 PLANNING GUIDANCE

1.3.1 Purpose, Significance, and Mission Statements for the NCAs

Purpose, significance, and mission statements are presented for the Beaver Dam Wash and Red Cliffs NCAs, to clarify why these public lands were designated by Congress and to guide the preparation of the RMPs.

As the Amendment to the SGFO RMP addresses only two planning issues, these statements are not included here, as they would be more appropriately developed when a full RMP revision is initiated in the future.

1.3.1.1 Beaver Dam Wash NCA

Purpose: To conserve, protect, enhance, and restore the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash NCA, for the benefit and enjoyment of present and future generations. As Congress did not specifically define the resource values that give significance to this NCA, BLM resource professionals identified a number of the natural and cultural resources within NCA that are unique and scientifically important. These are but a few of the resource values that make the public lands of the NCA worthy of inclusion in BLM’s system of National Conservation Lands and include the following:

- ▶ Ecological diversity created by the convergence of the Mojave Desert and Great Basin ecoregions;
- ▶ Geologic resources, such as the 1.7 billion year-old Precambrian strata of the Beaver Dam Mountains, the oldest exposed rocks in southwest Utah;
- ▶ Caves and karsts with unique geological, biological, cultural or recreational values;
- ▶ Joshua Tree National Natural Landmark, exemplifying this iconic Mojave Desert vegetation community, at the northern extreme of its range;
- ▶ Habitats critical for at-risk native species, including the Mojave desert tortoise; Gila monster; Southwestern willow flycatcher; and many species of bats, reptiles (Photo 1-6), raptors, and migratory birds;
- ▶ Archaeological sites that preserve evidence of Archaic, Ancestral Puebloan, and Southern Paiute occupations and land uses;
- ▶ The Northern and potential Armijo Routes of the OST, the early 19th century pack trail followed by traders, explorers, and settlers as they crossed the arid lands of the Mojave Desert. This trail was recognized by Congress through designation as a National Historic Trail in 2002;
- ▶ Historic period Euro-American heritage resources, including 19th century wagon roads and telegraph

Southwestern Speckled Rattlesnake

The *Crotalus mitchellii pyrrhus* displays a variety of body colors that allow the snake to blend into its local environment. Colors range from off-white, yellow, gray, tan, pink, pale orange, to brown. Snakes from dark lava bed environments can be almost all black. The tail rings of the speckled rattlesnake contrast with the body color, with the terminal rings being black. (California Herps 2014)

Photo 1-6 Southwestern Speckled Rattlesnake in the Beaver Dam Wash NCA, Utah BLM Sensitive Species



© Cameron Rognan

lines, the early 20th century Arrowhead Trails Highway, and features constructed by the Civilian Conservation Corps during the Great Depression of the 1930s.

Significance: The NCA resources are significant from a regional and national perspective because they afford:

- ▶ Opportunities for scientific studies of geologic processes and paleo-environments of the earliest periods of Earth's history, through the exposed geologic units of the Beaver Dam Mountains (Photo 1-7);

Photo 1-7 Fossil, Beaver Dam Wash NCA



- ▶ Opportunities for habitat restoration and population translocations in critical habitats for the threatened Mojave desert tortoise and other at-risk species of the Beaver Dam Slope;
- ▶ Opportunities for re-introductions of native aquatic and riparian species at Welcome Spring and in the Beaver Dam Wash;
- ▶ Opportunities for habitat restoration and protection of crucial seasonal ranges and migration corridors for mule deer and desert bighorn sheep;
- ▶ Opportunities to continue Mojave Desert plant and animal studies in the Woodbury Desert Study Area;
- ▶ Opportunities for solitude, natural quiet, dark night skies, and primitive, unconfined recreation within a large area of remote and

substantially undisturbed public lands;

- ▶ Opportunities for the public use, interpretation, and high quality vicarious visitor experiences along the Northern and potential Armijo Routes of the Old Spanish National Historic Trail;
- ▶ Opportunities for conservation, protection, restoration, scientific study, public use, and interpretation of an array of prehistoric and historic period archaeological sites that document the broad span of human history in southwestern Utah;
- ▶ Opportunities for sustainable outdoor recreation and resource interpretation on public lands that enhance the quality of life for local residents and visitors and help to sustain the economic health of local communities;
- ▶ Opportunities for broad-based scientific, academic, and community partnerships, volunteer programs, youth and veteran training and employment initiatives, developed to enhance public appreciation and citizen stewardship of the NCA resources and values.

Mission: The mission for BLM management of the Beaver Dam Wash NCA is to conserve and protect the ecological, geological, cultural, and biological resources of the public lands; to assist the recovery and delisting of federal and state-listed species; to restore native species habitats and populations within functional ecosystems that support species' resilience to climate change; and to enhance opportunities for scientific research, environmental education, sustainable recreational uses, and citizen stewardship of the public lands.

1.3.1.2 Red Cliffs NCA

Purpose: To conserve, protect, enhance, and restore the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific

resources of the Red Cliffs NCA for the benefit and enjoyment of present and future generations. As Congress did not specifically define the resource values that give significance to this NCA, BLM resource professionals identified a number of the natural and cultural resources within NCA that are unique and scientifically important. These are but a few of the resource values that make the public lands of the NCA worthy of inclusion in BLM's system of National Conservation Lands and include the following:

- ▶ Massive exposures of the Jurassic-age Kayenta Formation and Navajo Sandstone that preserve scientifically important dinosaur tracks and trackways, bone beds, plant fossils, and silicified wood;
- ▶ Rich ecological diversity resulting from the convergence of three major ecoregions: the Mojave Desert, Colorado Plateau and Great Basin;
- ▶ Critical habitats that sustain high densities of the threatened desert tortoise and other Mojave Desert species;
- ▶ Critical habitat for the endangered Shivwits milkvetch, a small native plant that grows only in Washington County on specific soil types;
- ▶ The Virgin River, Quail, and Leeds Creeks that provide aquatic habitat for the threatened and endangered

native fish of the Virgin River system;

- ▶ Riparian zones along these streams that support diverse native species and migratory birds;
- ▶ Scenic landscapes of the Red Mountain and Cottonwood Canyon Wilderness areas that provide outstanding opportunities for solitude, natural quiet, primitive and unconfined recreation, and high quality wilderness experiences;
- ▶ Archaeological sites that preserve evidence of Archaic, Ancestral Puebloan, and Southern Paiute occupations and land uses;
- ▶ Mid-19th century (Photo 1-8) and later historic period sites and features relating to the Euro-American settlement of southern Utah, including wagon roads, irrigation systems, farmsteads, mining sites, and the early 20th century Arrowhead Trails Highway.

Significance: The Red Cliffs NCA resources are significant from a regional and national perspective because they afford:

- ▶ Opportunities for scientific study of Early and Middle Jurassic age paleo-environments;
- ▶ Opportunities for conservation, protection, restoration, scientific study, public use and interpretation of an array of Jurassic-age

Photo 1-8 Orson B. Adams House, Mid-19th Century Pioneer Homestead, Red Cliffs NCA



"A vision without a task is but a dream; a task without a vision is drudgery; a vision with a task is the hope of the world."

—Church inscription, Sussex England, 1730

- paleontological resources, including scientifically important plant fossils, bone beds, and track sites;
- Opportunities for restoration of critical habitats for the threatened Mojave desert tortoise and other at-risk native species of this ecoregion.
- Opportunities for restoration and protection of crucial seasonal ranges and migration corridors for mule deer;
- Opportunities to reintroduce native desert bighorn sheep to former habitats in the Red Mountain and Cottonwood Canyon Wilderness areas;
- Opportunities for scientific research in City Creek and Paradise Canyon, where research on the Mojave desert tortoise has been ongoing since the 1950s;
- Opportunities for solitude, natural quiet, dark night skies, primitive and unconfined recreation in the Red Mountain and Cottonwood Canyon Wilderness areas, just minutes from the largest cities in Washington County;
- Opportunities for conservation, protection, restoration, scientific study, public use and interpretation of an array of prehistoric and historic period archaeological sites, documenting the broad span of human history in southwestern Utah (Photo 1-9, Photo 1-10);
- Opportunities for sustainable outdoor recreation on public lands that enhance the quality of life for local residents and visitors and help to sustain the economic health of local communities;
- Opportunities for broad-based scientific, academic, and community partnerships, volunteer programs, youth and veteran training and employment initiatives, developed to enhance public appreciation and citizen



Photo 1-9 North Creek Grey Jar Recovered from Red Cliffs NCA

stewardship of the NCA resources and values.

Mission: The mission for BLM management of the Red Cliffs NCA is to conserve and protect the ecological, geological, cultural, and biological resources of the public lands; to assist the recovery and delisting of federal and state-listed species; to restore native species habitats and populations; to sustain functional ecosystems that support species' resilience to climate change; and to enhance opportunities for scientific research, environmental education, sustainable recreational uses, and citizen stewardship of public lands.

1.3.2. Planning Criteria/Legislative Constraints

The Code of Federal Regulations at 43 CFR 1610 requires BLM to develop planning criteria to guide the land use planning process. Planning criteria are the legal, regulatory or policy constraints that relate to management issues or themes. They also help to guide the development of alternatives and, ultimately, the selection of the agency's preferred alternative. Planning criteria ensure that RMPs are tailored to the identified issues and that unnecessary data collection and analyses are avoided. Appendix B provides the

Archaeological Resource Protection

The Archaeological Resources Protection Act was enacted in 1979 " ... to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals" (Sec. 2(4)(b))

planning criteria developed by BLM for this planning effort.

1.3.3 Related Federal Laws, Regulations, Policies, and Programs

Many federal laws and their implementing regulations, as well as agency programs and policies, apply to the management of public lands and their natural and cultural resources. For a more complete listing of those federal laws, regulations, and policies that were considered during the development of the Draft NCA RMPs and Draft Amendment/Draft EIS, the reader is referred to Appendix C. Described below are those federal laws, implementing regulations, and agency policies that most directly relate to the BLM's land use planning process for the NCAs and other public lands managed by the SGFO.

1.3.3.1 Federal Laws

Omnibus Public Land Management Act of 2009

Through this legislation at Title I, Subtitle O, Congress identified the purposes for each NCA, identified allowable land uses, and noted specific planning documents that BLM could consider when developing an RMP for Red Cliffs NCA. At Section 1974 (d) (3), the Secretary,

Photo 1-10 Ancestral Puebloan Artifacts Recovered from Red Cliffs NCA



through BLM, is authorized to "incorporate any provision of":

- *Washington County Habitat Conservation Plan* (dated February 23, 1996);
- *SGFO RMP* (dated March 15, 1999, as amended);
- *Red Cliffs Desert Reserve Public Use Plan* (dated June 12, 2000, as amended).

Title II, Subtitle A at Section 2002 (a) of OPLMA established BLM's National Landscape Conservation System and provided a vision for how the components of this system should be managed, specifically the direction to "conserve, protect, and restore" the system's components for the "benefit of current and future generations."

Wilderness Act of 1964

This act governs the management of designated wilderness areas, including the Cottonwood Canyon and Red Mountain Wilderness areas, located partially or entirely within the Red Cliffs NCA. In 2009, through OPLMA at Section 1972, Congress added both areas to the National Wilderness Preservation System.

National Trails System Act of 1964

This legislation governs the management of the Old Spanish National Historic Trail, which crosses Beaver Dam Wash NCA. The National Trails System Act established a national system of trails and identified National Historic Trails as "extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historic significance. Designation of such trails or routes shall be continuous, but the established or developed trail, and the acquisition thereof, need not be continuous on site. National historic trails shall have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment" (Sec. 3(a) (3)).

What is a National Historic Trail?

A National Historical Trail is a Congressionally designated trail that is an extended, long-distance trail, not necessarily managed as continuous, that follows as closely as possible and practicable the original trails or routes of travel of national historic significance. The purpose of a National Historic Trail is the identification and protection of the historic route and the historic remnants and artifacts for public use and enjoyment. A National Historic Trail is managed to conserve, protect, and restore the nationally significant resources, qualities, values, and associated settings of the areas through which such trails may pass, including the primary use or uses of the trail.

Federal Land Policy and Management Act

The “enabling” legislation for BLM is the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq., Public Law 94-579, FLPMA). At Section 302 (a), FLPMA directs that public lands are to be managed under the principles of multiple use and sustained yield, “... except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law, it will be managed in accordance with such law.”

The designation language from OPLMA modifies FLPMA’s principles of multiple use and sustained yield to emphasize the conservation, protection, and enhancement of public land values, in the Beaver Dam Wash and Red Cliffs NCAs. The designation language narrows the scope of the RMPs for the NCAs, as many land uses or activities can no longer be authorized on public lands in these units.

The Wilderness Act and the designation language from OPLMA related to the Cottonwood Canyon and Red Mountain Wilderness modify FLPMA’s principles of multiple use and sustained yield, as these public lands are now dedicated to the protection of these areas and the preservation of their wilderness character.

The mandates of FLPMA, and federal regulations at 43 CFR 1610, provide specific direction for BLM’s land use planning process. FLPMA directs BLM to prepare RMPs to protect the scientific, scenic, historical, ecological, environmental, air and atmospheric, water, and cultural resource values of the public lands; and to use an interdisciplinary approach in the development of management alternatives. Section 202 of FLPMA directs BLM to consult with American Indian Tribes, coordinate with other federal agencies, state, and local governments, and encourage public participation during the land use planning process.

Photo 1-11 Buckskin Hollow, Red Cliffs NCA



National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (NEPA)

The National Environmental Policy Act (NEPA) of 1969, implemented through federal regulations promulgated by the President’s Council on Environmental Quality (CEQ), requires federal agencies to evaluate their actions, programs, and plans; consider alternatives; and disclose the environmental consequences of major federal actions that could significantly affect the quality of the human environment. The development, amendment, revision, and implementation of RMPs constitute major federal actions that are subject to the requirements of NEPA. CEQ regulations at 40 CFR 1500-1508 provide direction on the content and procedural aspects of NEPA and the required environmental analysis. The most comprehensive level of analysis is an Environmental Impact Statement (EIS); a single Draft EIS has been prepared to satisfy the NEPA requirements, CEQ regulations for implementing NEPA, and the requirements of BLM’s *NEPA Handbook, H-1790-1* for the new NCA RMPs and the Amendment to the SGFO RMP.

How Does FLPMA apply to NLCS units?

Land use planning decisions for NLCS units must be consistent with the purposes and objectives of the designating act of Congress or Presidential Proclamation, issued under the Antiquities Act of 1906. When FLPMA’s multiple use and sustained yield principles are not consistent with the Act of Congress or Presidential Proclamation for an NLCS unit, the designating language supersedes the FLPMA mandates at Section 302. (a).

Photo 1-12 South Bulldog Knolls, Beaver Dam Wash NCA



1.3.3.2 Federal Regulations

Management alternatives in the new RMPs and Amendment incorporate the *Utah Standards for Rangeland Health and Guidelines for Grazing Administration* (BLM 1997) (Appendix D-hereinafter referred to as Utah Standards and Guides) developed by the Utah Resource Advisory Council, in compliance with federal regulations at 43 CFR 4180.1. These address the fundamental attributes of healthy rangelands: productive soils, properly functioning riparian and wetland areas, diverse native vegetation communities, and habitats that can sustain native and special status species and assist the recovery and delisting of threatened and endangered species.

1.3.3.3 Programs and Policies

National Landscape Conservation System (National Conservation Lands) was administratively authorized in 2000, through a Secretarial Order signed by Secretary of the Interior Bruce Babbitt, to create a special system of BLM-managed public lands with a dominant conservation mission. This Order directed BLM to ensure that the National Conservation Lands are managed to protect the values for which they were designated,

including, where appropriate, prohibiting uses that are inconsistent with those values. If consistent with such protection, appropriate multiple uses may be allowed. National Conservation Lands include landscapes, rivers, and trails designated by act of Congress or Presidential Proclamation.

In 2009, through OPLMA, Congress permanently established the National Conservation Lands “to conserve, protect, and restore nationally significant landscapes.” Secretarial Order 3308, signed by Secretary of the Interior Ken Salazar on November 15, 2010, established a new directorate called the National Landscape Conservation System and Community Partnerships within BLM’s organizational structure.

A series of program-specific manuals have been developed and approved by the BLM Director that specify general policy and guiding principles for the management of National Conservation Lands. These new manuals are described in detail below, as they represent new guidance that was considered by the Planning Team during development of NCA management goals, objectives, and actions.

BLM Manual 6100-National Landscape Conservation System Manual (dated July 13, 2012) provides guiding principles for the management of all units of BLM’s National Conservation Lands. These include management to conserve, protect, and restore public lands and resource values, as an integral part of larger, nationally significant, landscapes. Management of each unit is to be based on the best available science and inventory data collected for the ecological, natural, cultural, scenic, and recreational values of the public lands. These units are also to be managed to engage diverse partners, local communities, volunteers, youth, and veterans in shared “citizen stewardship” of the public lands.

“Our values are etched in the landscape. That is our enduring legacy.”

–Bruce Babbitt, Secretary of the Interior 1993–2001

“A policy is a temporary creed liable to be changed, but while it holds good it has got to be pursued with apostolic zeal.”

—Mahatma Gandhi, Indian Leader, 1869-1948

BLM Manual 6220-National Monuments, National Conservation Areas, and Similar Designations (dated July 13, 2012) guides management of public lands that have been designated by Congress or through Presidential Proclamation as NCAs and National Monuments (NM) or similar designations, such as Outstanding National Areas, Forest Reserves, or Cooperative Management and Protection Areas. The policy for management of these units is consistent with that articulated for the National Conservation Lands as a whole: conservation, protection, and restoration of significant landscapes and resource values, by ensuring that authorized uses of public lands are compatible with the purposes of designation. The Manual also emphasizes the use of inventory data and the best available science to frame management strategies for the special designation areas.

This Manual addresses specific land use allocations, such as rights-of-way (ROWs), designated transportation and utility corridors, and discretionary uses proposed for NCAs, NMs, and similar designations. Through land use planning, this Manual directs that, to the extent possible, BLM should avoid granting new ROWs in these units and should evaluate the relocation of existing ROWs that are not consistent with the purposes of designation. It also directs that (subject to applicable law), through land use planning and project-specific decisions, BLM should designate NCAs and NMs as ROWs Exclusion or Avoidance areas. New transportation or utility corridors should not be designated in RMPs developed for these units if the corridors would be incompatible with the designating authority or the purposes for which the unit was designated.

New facilities, including structures and roads, should only be authorized or developed in these units if they are required by law; needed for public health and safety; or are necessary for the exercise

of valid existing rights or other non-discretionary uses. And, these facilities must further the purposes for which the NCA, NM, or other special designation area was designated.

BLM Manual 6340-Management of Designated Wilderness Areas (dated July 13, 2012) provides general policies for the administration and management of units that have been included by Congress in the National Wilderness System, under the authority of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.) and the specific acts of Congress that designate BLM wilderness. The objectives of the policy are to manage designated wilderness areas for the public purposes of recreational, scenic, scientific, education, conservation and historic use, while preserving wilderness character.

BLM Manual 6280-National Scenic and Historic Trails Management (dated September 14, 2012) provides specific policy direction relating to the management of trails that have been Congressionally-designated to the National Trails System, under the authority of the National Trails System Act of 1968, as amended (16 U.S.C. 1241-1251).

Photo 1-13 Old Spanish National Historic Trail, Beaver Dam Wash NCA



Management direction for designated National Historic Trails, such as the Old Spanish National Historic Trail (Photo 1-13), includes the establishment of a trail Management Corridor that protects trail traces, remnants, artifacts, associated historic sites, and the associated setting of the historic trail, and the development of management alternatives to provide for public use, interpretation, and volunteer opportunities for trail stewardship.

Other policy documents were also used as guidance for the RMPs and Amendment. These include (but were not limited to) BLM’s *Handbook H-1601-1, Land Use Planning*; *BLM Manual 8100, Cultural Resource Management*; *BLM Handbook H-8410-1, Visual Resource Management*; *BLM Manual M-1626, Travel and Transportation Management*; and *BLM Handbook H-8342*.

1.3.4. Relationship to Other Plans

Section 202 of FLPMA at Subsection (c)(9) provides that “land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he [sic] finds consistent with Federal law and the purposes of this Act.” Regulations at 43

CFR 1610 require that RMP decisions be consistent with the officially-approved or adopted resource-related management plans of other federal, state, and local governments to the extent those plans are consistent with the purposes, policies, and programs of federal laws and regulations applicable to public lands and the purposes of FLPMA.

The following resource management plans for contiguous federal lands were reviewed for consistency with proposed management goals, objectives, and decisions in the RMPs or Amendment to the SGFO RMP:

- BLM-Arizona Strip District RMP (2008);
- BLM-Ely (Nevada) District RMP (2008);
- BLM-Kanab Field Office RMP (2008);
- Dixie National Forest Land and Resource Management Plan (1986);
- Zion National Park General Management Plan (2001).

Program-specific or activity-level plans that were reviewed for consistency included:

- Dixie National Forest Motorized Travel Plan (2009);
- Red Cliffs Desert Reserve Public Use Plan (approved by Washington County Commissioners, June 12, 2000, BLM Decision Record signed June 29, 2001).

The approved plans of state and local government entities that were reviewed for consistency (to the extent those plans are consistent with the purposes, policies, and programs of federal laws and regulations applicable to public lands), included:

- Gunlock State Park Resource Management Plan (2006);
- Mohave County General Plan (1995, revised 2010);
- Sand Hollow State Park Resource Management Plan (2010);
- Snow Canyon State Park Resource



“...the longest crookedest, most arduous pack mule route in the history of America...”

—Hafen and Hafen, *The Old Spanish Trail*, 1954

Management Plan (1998);
 ■ Washington County General Management Plan (2010, amended 2012).

The following Habitat Conservation Plans, Recovery Plans, and Conservation Strategies include habitat management recommendations that are also relevant to the planning process:

- Recovery Plan for Siler Pincushion Cactus (1986);
- Recovery Plan for Dwarf Bearclaw Poppy (1985);
- Recovery Plan for Shivwits Milkvetch and Holmgren Milkvetch (2006);
- Recovery Plan for the California Condor (USFWS 1996);
- Recovery Plan for Mexican Spotted Owl (1995, revised 2012);
- Recovery Plan for the Southwestern Willow Flycatcher (2002);
- Recovery Plan for the Mojave Population of the Desert Tortoise (1994, revised 2011);
- Recovery Plan for the Virgin River Chub and Woundfin (1979, revised 1985);
- Recovery Plan for Virgin River Fishes (1995);
- Utah Comprehensive Wildlife Conservation Strategy (UDWR 2005);
- Virgin Spinedace Conservation Agreement and Strategy (1995);
- Virgin River Resource Management and Recovery Program (USFWS 2000);
- Washington County Habitat Conservation Plan (1996).

The Biological Opinion (ES/6-UT-98-F-005) and Incidental Take Statement that resulted from consultations with the USFWS under Section 7 of the Endangered Species Act for the Proposed SGFO RMP (BLM 1998) contains terms and conditions for authorized activities on public lands that remain in force until

formal consultations have been completed for the new RMPs and Amendment to the SGFO RMP.

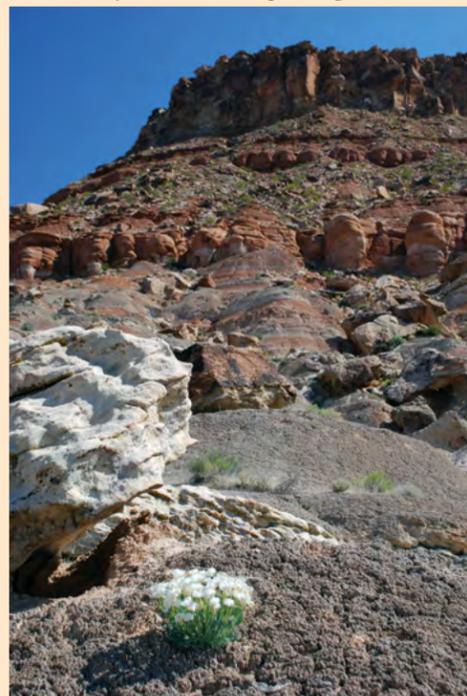
The Biological Opinion (ES/6-UT-01-F-003) that resulted from Section 7 consultation on impacts to the threatened Mojave desert tortoise related to the implementation of the Public Use Plan for the Red Cliffs Desert Reserve (2001) on public lands remains in force until consultation for the Proposed Red Cliffs NCA RMP has been completed with the USFWS.

1.4 PLANNING PROCESS

Congress, through OPLMA, directed BLM to complete comprehensive management plans for the two NCAs and undertake other actions that required an amendment to the SGFO RMP.

The BLM planning process is dynamic and strives to ensure that land use plans and implementation-level decisions remain consistent with applicable federal laws, regulations, Executive and Secretarial Orders, and agency policies. This process involves public participation, decision-making, implementation, plan monitoring, evaluation, and

Photo 1-14 Dwarf Bearclaw Poppy, Federally-Listed Endangered Species



Dwarf Bearclaw Poppy

Arctomecon humilis is narrowly endemic to Washington County. This member of the poppy family grows only on gypsiferous soils found in the upper layers of the Moenkopi Formation. Blooming occurs from mid-April through May, and is quite conspicuous against the otherwise barren soils.

adjustments, through plan maintenance, amendment, and revision. This process allows for adjustments to be made to RMPs, based on changed circumstances, emerging issues, and new information that influences decision-making. Modifying land use plans through maintenance or issue-focused amendments on a regular basis minimizes the need for major revisions.

The planning process follows the procedural requirements of NEPA and involves the following steps:

- ▶ Scoping—the scoping process is intended to identify issues and concerns from interested and affected public, agencies, tribes, and organizations to frame the scope of the land use plan and environmental analysis. A Notice of Intent (NOI) was published in the Federal Register on May 10, 2010, alerting the public that BLM was initiating a land use planning process and opening a 90 day public scoping period. The results of this process are contained in two scoping reports

that are available on the web at: www.blm.gov/r1ld.

- ▶ Draft RMPs and Draft Amendment/Draft EIS—the draft plans and analyses are the products of an interdisciplinary BLM planning team (Planning Team) comprised of resource specialists and managers. The Planning Team immediately gathered background data, evaluated legal, regulatory, and policy requirements, and reviewed public comments submitted during scoping. This process resulted in the identification of issues, as well as goals and objectives for public land resource values and land uses in each NCA, to frame the development of a range of management alternatives. The Draft EIS includes the analysis and comparison of impacts associated with implementation of the management alternatives. During the development of the drafts, the Cooperating Agencies were afforded opportunities to participate in the process through meetings and informal contacts.
- ▶ Public Review and Comment on the Draft RMPs and Draft Amendment/Draft EIS—the 90 day public comment period affords the public an opportunity to review the drafts and environmental analysis and provide written comments on the alternatives and impacts analysis.
- ▶ Development of Proposed RMPs and Proposed Amendment/Final EIS—the Planning Team reviews the comments submitted on the draft plans and Draft EIS and incorporates changes into the Proposed RMPs and Proposed Amendment/Final EIS. This document includes a response to public comments, identifying how they were addressed in the analysis and whether the comments resulted in changes to the draft plans.

Photo 1-15 Kit Fox Pups, Utah BLM Sensitive Species



Kit Fox

Vulpes macrotis is nocturnal, and leaves the den at sundown to hunt. Dens usually start out with one entrance, but over a period of years, several other entrances, tunnels, and a birthing chamber may be added. A kit fox litter usually consists of four to seven pups that emerge from the den in late spring or early summer.

- Publish Proposed RMPs and Proposed Amendment/Final EIS—these documents are published for a 30 day public protest period. The protest procedures (at 43 CFR 1610.5-2) provide the public an administrative remedy for the BLM-Utah State Director’s (State Director) proposed RMP decisions. The BLM Director determines through the protest process whether the State Director followed established procedures, considered relevant information in reaching proposed decisions, and whether the proposed decisions are consistent with legal, regulatory, and policy requirements. The Proposed RMPs and Proposed Amendment also receive a Governor’s consistency review determination as it relates to relevant state plans and policies.
- Publish approved RMPs and approved Amendment and Records of Decision (RODs)—this is the final step in BLM’s land use planning and NEPA processes. If changes were made to the Proposed RMPs or Proposed Amendment as a result of plan protests, they are incorporated in the RODs; these are signed by the State Director. Implementation of

the approved RMPs and approved Amendment begin after signing of the RODs.

Land use planning is a dynamic and adaptive process, particularly when conservation, protection, and restoration of habitat for a large number of threatened, endangered, and candidate species must be a primary focus for public lands management. The new RMPs for the two NCAs must be able to quickly respond to changing environmental factors, new scientific data, and changing land use patterns. Management of the NCAs will incorporate the principles of adaptive management, through an emphasis on monitoring of management practices and support for research studies to increase the understanding of natural processes and complex ecosystems. The adaptive management process is described in greater detail in Chapter 2.

Agency policy requires the preparation of an Implementation Strategy for each new RMP. This strategy establishes priorities, 3 to 5 year timelines, and budget requirements needed to successfully implement the land use plans. Other agencies, partners, and the public are encouraged to be involved in the development of the Implementation Strategies.

Photo 1-16 Gila Monster in Red Cliffs NCA, Utah BLM Sensitive Species



© Cameron Rognan

Gila Monster

Heloderma suspectum is the largest lizard native to the United States weighing up to two pounds and reaching twenty inches in length. Its tail is plump compared to other lizards and is used to store fat. The beaded appearance of their salmon pink and black skin is caused by tiny embedded disks of bone, called osteoderms.

During implementation of the management actions in the approved RMPs and approved Amendment, additional site or activity-specific NEPA analyses, generally Environmental Assessments (EAs), are developed with appropriate levels of public involvement. Monitoring protocols are developed and implemented, to determine the success of the management action in achieving the stated goals and objectives. Amendments or revisions to the RMPs would be completed, as needed, to respond to changing circumstances, including new legal and regulatory requirements, similar to the passage of OPLMA which drove the current planning process.

1.4.1 Implementation-level Decisions

Resource management plan decisions and implementation decisions reflect two distinct steps in the planning process. Appendix C in the *BLM Handbook H-1601-1* (BLM 2005) provides program specific guidance to separate land use plan decisions from implementation decisions.

The Draft RMPs for the two NCAs provide broad decisions dealing with proposed management actions, special designations, and allowable uses. These types of decisions are referred to as *plan decisions*, which represent the majority of decisions in this document. *Implementation decisions* are tied to a specific location and are used to implement plan decisions. Unlike plan decisions, implementation decisions are not subject to protest under BLM’s planning regulations. Implementation decisions are subject to various administrative remedies, particularly appeals to the Office of Hearings and Appeals (Interior Board of Land Appeals), under 43 CFR 4.410.

Most implementation-level decisions are developed, following adoption of an RMP, with subsequent, site-specific environmental analyses. However, in some cases implementation decisions are

proposed within the Draft RMPs for the two NCAs. Implementation decisions are specifically labeled as “Implementation Actions” within the alternatives tables in Chapter 2. When implementation-level decisions are included in the impacts analysis for an RMP, further NEPA analysis is generally not required to begin implementation of these decisions. Implementation decisions may require supplementary rule making and this process is described below in greater detail.

Subsequent management actions taken by the BLM to implement the guidance found within this RMP may be “tiered” to the impact analysis done within this document (BLM 2008a). This allows the BLM to narrow the focus of subsequent implementation-level environmental assessments (EA) because the implementation-level EA need not reanalyze effects that were already fully analyzed in the broader RMP. Instead, the analysis for the implementation-level EA may focus on the effects of the individual action that were not covered within the RMP.

1.4.2 Supplementary Rules

In some instances, decisions from the approved RMPs or Amendment could restrict or prohibit an activity on public lands. Often the restriction or prohibition is already standard on public land and there is no requirement for supplementary rule making to enforce the decision from the approved RMP or Amendment. However, to make some decisions enforceable, a public process is required, as outlined in 43CFR 8365.1-6. This process requires that specific steps be taken to ensure that interest groups and public land users are adequately informed of newly-proposed rules before they go into effect. The first step of the process is the publication of a proposed set of rules and providing for public review and comment. Proposed supplemental rules, closures, and restrictions orders for uses of public lands will be included the Proposed RMPs/Amendment that are released for

“Within the lives of Southern Paiutes, there is an inherent understanding that all things are placed on this land with the breath of life, just as humans. This land is considered to be their home, just as it is for man, and it is taught that one must consider that rocks, trees, animals, mountains and all other things are on the same level as man. Each has a purpose in life, and the one who created every living thing on this earth placed all living things here to interact with one another...It is said that the plants, animals, and in fact, everything on this land, understand the Paiute language, and when one listens closely and intently enough, there is affirmation and a sense of understanding.”
 –Kaibab Paiute Tribal Member

“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.”

–Margaret Mead, Cultural Anthropologist, 1901-1978

public review during this planning process. Information will be provided in the Proposed RMPs about the supplementary rule-making process and how the public can provide comments on the proposed rules. The Federal Register Notices, press releases, and public meetings associated with the release of the Proposed RMPs/ Amendment will serve as public notification of the opportunity to review and comment on the proposed supplementary rules contained in those plans.

1.4.3 Collaboration

OPLMA, FLPMA, and NEPA direct BLM to coordinate land use planning efforts with other federal agencies, state and local governments, and Indian tribes, as well as seeking public input throughout the process. Collaboration with other entities was accomplished through regular written and oral communications, meetings, and data sharing. A brief discussion of two collaborating groups, Cooperating Agencies and American Indian Tribes, is presented below.

1.4.3.1 Cooperating Agencies

CEQ requirements at 40 CFR 1501.6 and 1508.5 implement the NEPA mandate that federal agencies responsible for preparing analyses do so in cooperation with state and local governments and other agencies with jurisdiction by law or special expertise (42 U.S.C. 4331 (a) and 4332 (2)). At the start of scoping, BLM invited the State of Utah, county governments in adjoining areas of Utah, Nevada, and Arizona, and tribal governments of those American Indian Tribes that claim cultural affiliation to the planning areas to become Cooperating Agencies in this planning process. Washington County, UT, Mojave County, AZ, and the State of Utah, through the Governor’s Public Land Policy and Coordination Office (PLPCO), signed Memoranda of Understanding with BLM to participate as Cooperating Agencies in this planning process.

1.4.3.2 Tribal Governments

Consultations have been and will continue to be conducted on a government-to-government basis with American Indian Tribes that claim cultural affiliation to the public lands of Washington County. In May of 2010, BLM initiated consultations relating to this planning process with the following Tribes and Bands:

- ▶ The Hopi Tribe
- ▶ The Navajo Nation
- ▶ The Pueblo of Zuni
- ▶ The Paiute Indian Tribe of Utah
 - Shivwits Band
 - Cedar Band
 - Indian Peaks Band
 - Kanosh Band
 - Koosharem Band
- ▶ The Kaibab Band of Paiutes
- ▶ The Las Vegas Paiute Tribe
- ▶ The Moapa Band of Paiutes
- ▶ The Pahrump Band of Paiutes
- ▶ The Havasupai Tribe
- ▶ The Hualapai Tribe

Photo 1-17 Public Scoping Workshop, Hurricane, Utah



1.5 PUBLIC SCOPING

Scoping is required by NEPA in the early stages of developing an EIS, to identify issues and concerns to be addressed in the new RMPs and the Amendment to the SGFO RMP. This process is summarized below with greater detail provided in Chapter 5 of this document.

A formal scoping period was initiated through the publication of an NOI to prepare the RMPs in the Federal Register on May 10, 2010 (Vol. 75, No. 89: pages 25876-25877). The NOI identified preliminary planning issues to be considered, announced the dates and locations of public scoping meetings and established the 60 day period during which the public could identify issues and provide comments on the long-term management of resource values and public uses in the NCAs. The public was also invited to identify areas and provide nominations for ACECs where the conservation of biological species was a priority. Input

was also requested relating to the OHV area designations that were to be proposed through the Amendment to the SGFO RMP.

Three public scoping workshops were held in June of 2010, in St. George, Hurricane, and Salt Lake City, Utah, and in Mesquite, Nevada, resulting in nearly 2,000 comments being received during scoping (Photo 1-17).

As Congress, through OPLMA, had directed that comprehensive travel management planning for public lands in Washington County be completed very quickly, BLM initiated scoping for this implementation level planning in May of 2010, holding public scoping meetings concurrently with the RMP scoping public meetings, at the locations shown above. Scoping has continued on an informal basis since 2010 relating to travel management planning.

1.6 PLANNING AND MANAGEMENT ISSUES

Planning issues are defined as matters of controversy or dispute over public land conditions, resource management activities, or allowable land uses that are well-defined and for which alternatives can be developed for a specific planning area. These issues may be a concern expressed by the public, state/local governments or other stakeholders and may include concerns about potential serious deterioration of public lands, significant impacts or conflicts, or uses that may not be in the best public interest. They provide a framework for the development of alternatives in the Draft RMPs for the Beaver Dam Wash and Red Cliffs NCAs and the Draft Amendment to the SGFO RMP.

Based on the scoping comments received and their subsequent analysis and evaluation, ten planning issues were identified as being within the scope of these Draft RMPs and Draft Amendment/Draft EIS. As they relate to the NCAs, these issues center on the larger question of just how

“To make democracy work, we must be a nation of participants, not simply observers.”

–Louis L’Amour, Author, 1908-1988

much and what types of human uses should be allowed, in light of the mandates from OPLMA relating to resource conservation, protection, and restoration. In addition to the issues that emerged from public scoping, the Planning Team identified the need to eradicate invasive species and restore fire-damaged vegetation communities that provide habitat for federally-listed and at-risk native species as a management concern. The planning issues and management concerns that are considered through this planning process are briefly described below.

1.6.1 Planning Issues Common to Beaver Dam Wash and Red Cliffs NCAs

1.6.1.1 How will the ecological resources of the NCAs be conserved, protected, and restored?

Specific comments addressed the need to protect fragile soils and air quality, by limiting land uses in the NCAs. Others expressed concerns about fire-damaged habitats in the Mojave Desert and the current and future condition of the vegetation communities that support native species under the predicted climate change

scenarios. Achieving the Congressionally-defined goals of ecological conservation in the NCAs could be accomplished through diverse management strategies, including restrictions on land uses, scientific research, and public education.

Restoring damaged ecosystems in the Mojave Desert is an ongoing management concern, as these provide cover, forage, and breeding areas for native species. Changing climatic conditions and the prevalence of invasive annual grasses (Photo 1-18) have altered the natural fire regime of the Mojave Desert. Management alternatives that identify possible strategies to prevent further fire-related impacts and restore native species are provided in Chapter 2 for each NCA.

1.6.1.2 How will cultural and paleontological resources be conserved and protected in the NCAs?

Many in the public provided scoping comments that expressed concerns about the preservation of important archaeological and paleontological sites in the NCAs, recognizing the scientific, traditional, and educational values of these resources. Some public comments identified the

Photo 1-18 Invasive Species in a Fire-Damaged Vegetation Community, Red Cliffs NCA



“In the middle of difficulty lies opportunity.”
 –Albert Einstein, Theoretical Physicist, 1879–1955

need to include management restrictions, such as ROW Exclusion areas and motorized vehicle route designations, to ensure that these fragile heritage resources would be conserved and protected. Others recommended managing and interpreting certain types of sites, such as rock art localities or dinosaur trackways, for public use, so that the public could learn more about these resources and appropriate site etiquette when visiting them (Photo 1-19).

1.6.1.3 How will native plant and animal species and their habitats be managed in the NCAs?

Native plant and animal species found in the two NCAs have adapted to the unusual environmental conditions created by the convergence of the Mojave Desert, Great Basin, and Colorado Plateau ecoregions in Washington County. Nine native species found in the NCAs are already listed under the Endangered Species Act (ESA), due to population declines that have been attributed primarily to habitat loss or degradation.

During scoping, the public commented on the importance of management

actions and land use restrictions in both NCAs to protect and assist the recovery of the Mojave desert tortoise, and other special status species. Some individuals commented that their quality of life was higher because they were able to see native species in their natural habitats, when visiting the Beaver Dam Wash and Red Cliffs NCAs.

1.6.1.4 How will recreation uses be managed in the NCAs?

Outdoor recreation on public lands in the NCAs was identified as a very important issue, comprising 21% of the public comments received during scoping. Concerns were expressed about what types of opportunities, such as commercial, competitive, and organized recreation activities, might be authorized in each NCA and what impacts diverse recreation uses would have on the many sensitive resource values of each NCA. Management alternatives address the need to provide for sustainable and appropriate public recreation opportunities, while conserving and protecting sensitive resource values of the NCAs.

“Good stewardship of the environment is not just a personal responsibility, it is a public value. . . Our duty is to use the land well, and sometimes not to use it [at] all. This is our responsibility as citizens, but more than that, it is our calling as stewards of the earth.”
 –George W. Bush, 43rd President of the United States, 1946–

Photo 1-19 Interpreted Remnants of the 1950s-era Hollywood Movie Set, Red Cliffs NCA



1.6.1.5 What types of recreation facilities should be developed in the NCAs?

The two NCAs are very different with regard to the types and intensity of recreation uses that are ongoing today. Annual visitation to Beaver Dam Wash NCA today numbers approximately 12,000 visits, with the primary activities being large and small game hunting, sport and technical rock climbing (Photo 1-20), and motorized vehicle touring, especially on ATVs on backcountry routes. There are no developed trails, trailheads, or campgrounds in the NCA, so for these visitors, dispersed recreation activities, open space, and the scenic vistas of the desert landscape are the primary factors that make Beaver Dam Wash NCA attractive to recreationists.

Photo 1-20 Woodbury Road Crags, Beaver Dam Wash NCA



Public comments related to recreation in Beaver Dam Wash NCA identified the potential for conflicts between motorized and non-motorized recreational user groups. Some commenters included recommendations about how to minimize those conflicts that included area closures, non-motorized and motorized route designations, developing trails, staging and trailhead facilities, improved maps, and signage. Another focus of some public comments was the need to manage increased recreation demand, while still maintaining high quality recreation experiences, as more visitors from outside of the local area became aware of the values of the NCA.

By contrast, the Red Cliffs NCA is already a very popular destination for local residents and visitors. The Red Cliffs Recreation Area, located in the eastern portion of the NCA, is a designated fee collection site, with a small developed campground, day use facilities, designated trails, and interpreted points of interest.

In 2012, over 150,000 hikers, mountain bikers, and equestrians used the more than 100 miles of designated, shared-use trails. A majority of the trail system

within the NCA is within the municipal annexation boundaries of St. George, Hurricane, Santa Clara, Ivins, and Washington. The trails are “in the backyards” of the many residential housing developments that ring the boundaries of the NCA. Local residents value the recreation opportunities and open space that the NCA affords them.

Many public comments focused on the need to maintain public access to high quality non-motorized trails in the NCA, while still protecting sensitive resources. Management alternatives in Chapter 2 provide a range of options to address this important planning issue.

1.6.1.6 How will livestock grazing be addressed in the NCAs?

Domestic livestock grazing is currently authorized in both NCAs: portions of five active grazing allotments overlap the boundaries of the Beaver Dam Wash NCA (Photo 1-21), while three allotments include public lands within the Red Cliffs NCA, along its northwestern boundary. However, a majority of the authorized grazing use ended on public lands in the Red Cliffs NCA in the mid-1990s, with the purchase of the federal grazing permits by Washington County

Photo 1-21 Livestock, Beaver Dam Wash NCA



and the closure of the allotments to grazing by BLM, through the SGFO RMP.

OPLMA provided the following legislative direction concerning livestock grazing for the Beaver Dam Wash and Red Cliffs NCAs (Sections 1974 and 1975 at (e) Management):

Grazing.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—(A) subject to—(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and (ii) applicable law (including regulations); and (B) in a manner consistent with the purposes described in subsection (a).

Scoping comments reflected the public’s divergent views about livestock grazing in the NCAs, but most particularly in the Beaver Dam Wash NCA. Some commenters requested that grazing continue to be an authorized use of the public lands in the NCAs, pointing to its role in the history and economy of the local area. Others indicated that livestock help to reduce wild fires by consuming invasive annual grasses that fuel fires in the Mojave Desert.

Those members of the public who oppose livestock grazing on public lands commented that this land use is not compatible with the conservation and protection purposes of the NCAs. Those in the middle supported eliminating livestock grazing only in environmentally sensitive areas. Commenting parties cited impacts on water quality, riparian areas, and cultural resources, as reasons why grazing should not be allowed. Some written comments identified competition for forage between domestic livestock and native species, like the Mojave desert tortoise, as the primary reason why livestock grazing should not continue to be authorized.

Washington County, a Cooperating Agency in this planning effort, has endorsed the continuation of livestock grazing on public lands, through a Resolution (No. R-2011-1555) passed by the County Commission on April 19, 2011. Domestic livestock grazing has been evaluated within the context of the overall ecological health of the NCAs and a range of management alternatives relating to grazing is included in Chapter 2 for each NCA.

“Don’t squat with your spurs on.”

—Will Rogers, Cowboy and Humorist, 1879–1935

“The non-motorized recreational opportunities within the Red Cliffs NCA are outstanding and unique.”

—Comment from Public Scoping

1.6.1.7 What land uses should be authorized in the NCAs?

Many written comments expressed opposition to the granting of new ROWs for utilities or other purposes in the NCAs, as construction of these facilities could negatively impact native species habitats, cultural resources, and the scenic qualities of the areas.

Several utility companies and local community representatives provided comments identifying the need for new ROWs through Red Cliffs NCA to support anticipated regional growth and development. Specific Congressional direction relating to development of utilities in Red Cliffs NCA was included in OPLMA Section 1974 (h). This section states that:

Nothing in this section prohibits authorization of the development of utilities within the [Red Cliffs] National Conservation Area if the development is carried out in accordance with—(1) each utility development protocol described in the habitat conservation plan; and (2) any other applicable law (including regulations).

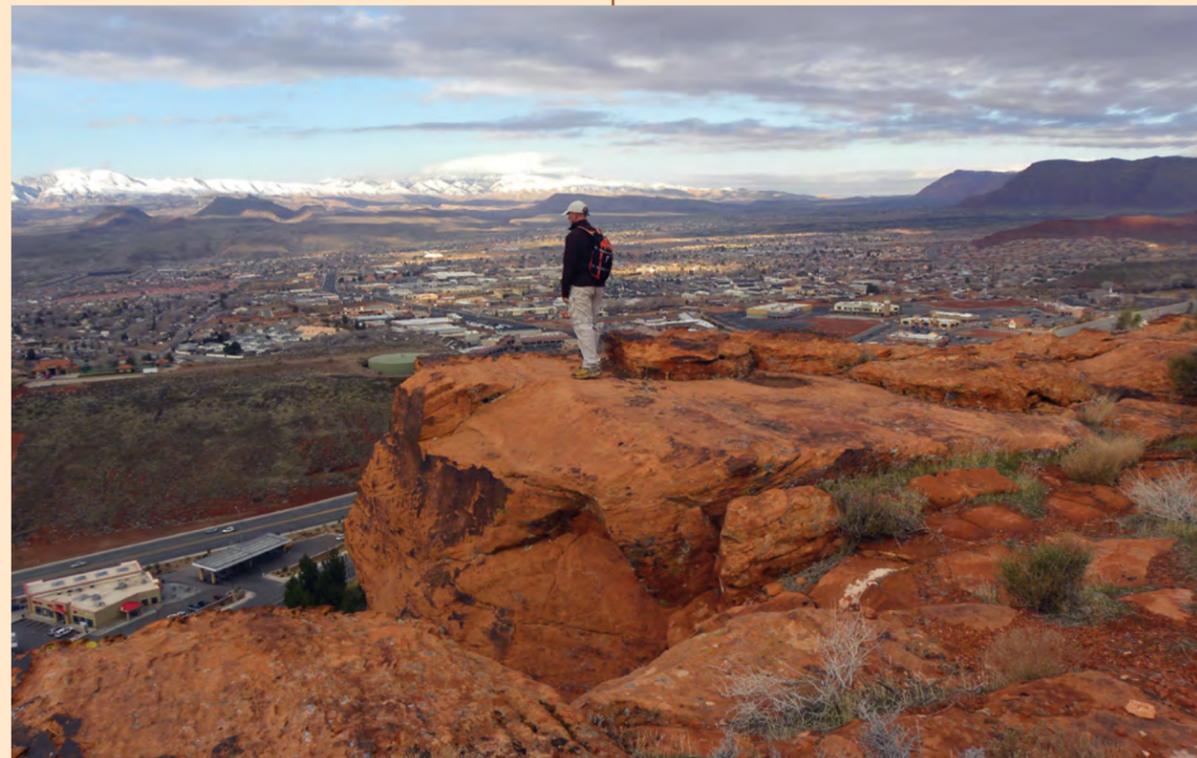
The utility development protocol referenced above identifies mitigation measures to lessen the environmental impacts on critical habitat and populations of Mojave desert tortoise that can occur during the construction and maintenance of power transmission lines or water conveyance pipelines and access roads needed to service these utilities. This protocol, however, does not address the mitigation of development impacts on the many other resource values that Congress identified for conservation, protection, and enhancement in the NCAs, through OPLMA. A range of management alternatives relating to ROWs and other land uses is included in Chapter 2, for each NCA.

No Congressional direction regarding utility development was provided for Beaver Dam Wash NCA in OPLMA.

1.6.1.8 How will transportation and access be managed in the NCAs?

Transportation and access (or travel planning) emerged from the scoping process as an issue of primary concern for the public, both within the NCAs and on other public lands managed by the SGFO. Some commenters indicated that limiting motorized vehicular access would provide the best protection of NCA values. Others expressed the opinion that all existing routes should remain open for recreational and resource uses. The Draft RMPs will provide a range of alternatives relating to OHV area designations, but will not provide a similar range for individual route designations in the NCAs. These will be developed in the TMP that is currently being prepared by BLM for all routes and trails on public lands in Washington County. A Draft TMP, supported by a NEPA analysis, will be made available for public review and comment shortly after the Draft RMPs and Draft Amendment/Draft EIS have been released for review.

Photo 1-22 St. George Metropolitan Area Abutting Red Cliffs NCA



1.6.2 Planning Issues Specific to Red Cliffs NCA

1.6.2.1 Should a “northern transportation route” be designated through the NCA?

OPLMA at Section 1977 (b) 2 (A) directs that the Secretary shall, while developing the comprehensive travel management plan for Washington County and “in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify one or more alternatives for a northern transportation route in the County.”

The Washington County Commissioners, joined by the Utah Department of Transportation (UDOT), the Dixie Metropolitan Planning Organization (DMPO), the City of St. George, and other municipal governments, formally requested that BLM evaluate multiple alternative routes for a multi-lane road (the “northern transportation route”) through the Red Cliffs NCA. All of the alternative routes would cross the NCA;

one of the routes would primarily cross lands managed by the US Forest Service, Pine Valley Ranger District of the Dixie National Forest.

The stated need for this proposed multi-lane road (previously labeled the Northern Corridor, Great Northern Corridor, and, most recently, the Washington Parkway in local transportation plans) would be to reduce projected traffic pressure on existing roads in the greater St. George metropolitan area (Photo 1-22). A study commissioned by this group indicated that construction of a new multi-lane road (identified as Option #3 through the NCA in that study), in combination with other traffic-reducing measures, would afford measurable traffic congestion relief, based on projections of travel demand in 2040 (Horrocks Engineers 2011).

During public scoping, many written comments addressed the potential conflicts that would be associated with the construction of a new multi-lane road through the NCA and recommended that BLM not authorize this proposed land use. Members of the public cited the apparent conflict with the Congressionally-defined purposes of conservation, protection, and enhancement of resource values on the public lands of the NCA. Other public scoping comments addressed the potential impacts on cultural resources or recreational uses, as reasons not to authorize the proposed new multi-lane road through the NCA. (Refer to Scoping Report (United States Department of Interior (USDOI) 2010).

Others noted that authorizing this proposed new multi-lane road through the NCA would result in the loss of acres of designated critical habitat and impacts on populations of threatened and endangered species. It could also violate commitments made by BLM, Washington County, the State of Utah, and other entities, through the HCP Implementation Agreement as they relate to managing the

“Step with care and great tact, and remember that life’s a great balancing act.”

–Dr. Suess, Author, 1904–1991

“I may not have gone where I intended to go, but I think I have ended up where I needed to be.”

–Douglas Adams, Author and Humorist, 1952–2001

“Conservation is a state of harmony between men and land.”
 – Aldo Leopold, Conservationist, 1887-1948

lands within the boundaries of the NCA and Red Cliffs Desert Reserve to protect listed species and habitats.

Some commenters noted that development of this proposed multi-lane road through the NCA could invalidate Washington County’s Incidental Take Permit for desert tortoise populations and critical habitat (Photo 1-23), issued by the USFWS under Section 10 of the Endangered Species Act in 1996. This permit has allowed growth and development to occur in an orderly and predictable manner on private lands in desert tortoise habitat in Washington County since 1996.

In compliance with the legislative mandate of OPLMA Section 1977 (b) 2 (A), and acknowledging Washington County’s role as a Cooperating Agency, BLM has proposed in one management alternative in the Draft RMP to designate a new utility and transportation corridor through the Red Cliffs NCA that could accommodate any of the route alignments for a “northern transportation route” submitted by Washington County. The supporting Draft EIS evaluates the potential environmental consequences of selecting this alternative on the resource values of the NCA.

Photo 1-23 Critical Mojave Desert Tortoise Habitat, Red Cliffs NCA



1.6.3 Issues Outside of the Scope of this Planning Process

1.6.3.1 Managing public lands in the Beaver Dam Wash and Red Cliffs NCAs for mining, oil and gas development, and sale of mineral materials

OPLMA Sections 1974 (b) and 1975 (b) withdrew the public lands of the two NCAs from location, entry, and patenting under the General Mining Law of 1872 and from operation of the mineral leasing, mineral materials, and geothermal leasing laws, subject to valid existing rights on the date of NCA designation, March 30, 2009. No oil and gas or geothermal leases were in effect and no mineral material sites were located in either of the NCAs on that date. A small number of locatable mining claims were active when the two NCAs were designated. To develop these claims, the claimholders must comply with the regulatory requirements outlined in the Code of Federal Regulations at 43 CFR 3809 and 3715. As the legislative withdrawals mandated by OPLMA preclude the management of public lands in the Beaver Dam Wash and Red Cliffs NCAs for locatable, leasable, and salable minerals, these issues are beyond the scope of this planning process.

1.6.3.2 Selling or exchanging public lands in the Beaver Dam Wash and Red Cliffs NCAs or elsewhere in Washington County

During scoping, comments were received from the public stating that BLM needed to sell or exchange additional public lands in Washington County, to assist future growth and development. OPLMA Sections 1974 (b) and 1975 (b) specifically withdrew the public lands of the two NCAs from all forms of entry, appropriation, and disposal under the public land laws. It is, therefore, outside of BLM’s legal authority and the scope of this planning process to develop management alternatives in the draft RMPs that address the sale, exchange, and appropriation of public lands within the Beaver Dam Wash and Red Cliffs NCAs.

Approximately 18,000 acres of public land (outside of the NCAs) were identified as available for transfer out of federal ownership, through sale or exchange, in the SGFO RMP (1999). Sales, exchanges, leases, and conveyances of the identified acres have been ongoing since 1999, in conformance with this management decision, but not all of the acreage has been transferred from federal ownership.

The Amendment currently being prepared for that RMP is focused on two planning issues in response to the legislative mandates of OPLMA. It is outside of the scope of the amendment planning process to develop management alternatives that address the sale or exchange of additional public lands in Washington County.

1.6.3.3 Eliminating or changing Congressional designations related to motorized vehicle travel in Beaver Dam Wash NCA

Congress, through OPLMA Section 1975 (e) (3) A and B, addressed motorized vehicle travel in the Beaver Dam Wash NCA (Photo 1-24) by designating three geographic areas, labeled “Designated Road Areas,” where such travel (except for emergency and administrative purposes) was to be permitted only on the roads displayed on the legislative map. In areas outside of the “Designated Road Areas,” motorized vehicle travel was to be limited to roads that would be designated by BLM through a public travel planning process.

During scoping, some commenters recommended that BLM remove the motorized vehicle travel restrictions, or add additional roads, above and beyond those identified by Congress within the

Photo 1-24 Designated Road Area, Beaver Dam Wash NCA



- Tread Lightly!**
- Travel responsibly
 - Respect the rights of others
 - Educate yourself
 - Avoid sensitive areas
 - Do your part

Photo 1-25 Utah Agave, Red Cliffs NCA



“In the hopes of reaching the moon men fail to see the flowers that blossom at their feet.”

–Albert Einstein, Theoretical Physicist, 1879-1955

Designated Road Areas, as available for public motorized vehicle travel. As BLM does not have the legal authority to change the designations made by Congress, including the addition of other roads within the Designated Road Areas, this issue was not carried forward for consideration in the development of the RMP for Beaver Dam Wash NCA.

1.6.3.4 Designating new ACECs for resource values other than priority biological species on public lands managed by the SGFO

A small number of nominations for proposed ACECs did not address priority biological species or included additional acreage of public lands, in order to include sensitive cultural resources or other resource values within the boundaries of the nomination. The Amendment to the SGFO RMP is being prepared to address the specific legislative mandate of OPLMA at Section 1979 that addresses the conservation and restoration of priority biological species and natural communities. Nominations for new ACECs for resource values received during scoping, other than priority biological species, will be retained for ACEC evaluation and potential designation when a full revision of the SGFO RMP is undertaken in the future. In the interim, BLM will determine if the areas nominated contain values that satisfy the criteria for both relevance and importance and whether those values are in need of special management at this time. If so, BLM will implement interim protective measures.

1.6.3.5 Evaluating and Analyzing new Wild and Scenic River Proposals

The Amendment of the SGFO RMP was legislatively mandated by sections of OPLMA and limited in scope to two issues: changes to the OHV area designations (Open, Closed, Limited) approved through the current RMP; and identification of areas of public land in Washington County “where biological conservation is a priority”, pursuant

to section 1979 of OPLMA. Evaluating and analyzing new proposals for Wild and Scenic Rivers was not directed by OPLMA and is, therefore, outside of the scope of this planning process.

Through OPLMA, Congress designated 11 short segments of tributaries of the Virgin River on public lands that flow into and out of Zion National Park to the National System of Wild and Scenic Rivers. One suitable river segment under the administration of the St. George Field Office was not designated to the national system, but will continue to be managed in accordance with *BLM Manual 6400-Wild and Scenic Rivers-Policy and Program Direction for Identification, Evaluation, and Management* (2012).

1.6.3.6 Resolving Revised Statute 2477 claims

Federal Revised Statute (RS) 2477, contained in the Mining Law of 1866 (Act of July 28, 1866, chapter 262, 8, 14 Stat. 252, codified at 43 U.S.C. 932), was intended to facilitate settlement of the Western states by granting counties and states a ROW for the construction of highways across unreserved public lands. In 1938, as part of the recodification of statutes, R.S.2477 became 43 U.S.C. 932 until its

repeal in 1976 through the passage of FLPMA. Since that time, determining which routes are the responsibilities of the counties because they were developed across public lands under the authority of R.S.2477 has been a contentious issue for federal agencies in the West. Resolution of R.S.2477 claims is a legal matter that cannot be resolved through BLM’s land use planning process. Management decisions in approved RMPs do not extinguish any valid ROWs and do not alter the legal rights of states and counties to assert and protect R.S.2477 claims. Similarly, no RMP decisions extinguish or alter the rights of states and counties to challenge in federal court or other appropriate venue any use restrictions imposed by the RMP that they believe abrogate their rights under R.S.2477.

“If you don’t know where you are going, you’ll end up someplace else.”

–Yogi Berra, Former Major League Baseball Player and Manager, 1925–

Photo 1-26 Utility Terrain Vehicle (UTV) Recreating on Public Lands



