

# ADDENDUM 'C'

## NOMINATION

### Gunlock - Square Top ACEC



Submitted by Citizens for Dixie's Future to:  
BLM St. George Field Office  
345 East Riverside Drive  
St. George, Utah 84790

July 19, 2010

The following is the formal nomination of Gunlock Square Top parcel for designation as Areas of Critical Environmental Concern in BLM's Resource Management Plan Amendment.

### **General Description**

The Gunlock Square Top parcel of BLM land including Manganese and Cole Springs warrant protection as an Area of Critical Environmental Concern (ACEC) to provide an added layer of recognition and permanent protection. The ACEC encompasses many archeological sites that include an archaic cave and "ceiling cave" of significant importance to the Shivwits Tribe. The upper reaches of the Gunlock Drainage on BLM land are wildlife corridors and important winter range that connect to Zion National Park to the north and east and also need permanent protection.

In April of 2008 my wife (Penny) and I volunteered with Don Christensen and Dave Lee hired by the BLM to document a number of sites within this nominated ACEC. The BLM had identified through reports by volunteers of the Color Country Site Steward Program that an Archaic Cave had been looted by pot hunters and was in jeopardy of being permanently damaged. The BLM hired Don and Dave as contractors and with a number of volunteers documented the sites over a three day period April 15-17, 2008. IMACS documents were completed, but further reports have not been completed due to inadequate funding.

### **Boundaries**

The ACEC area is generally west and north of Gunlock State Park beginning at Cole Springs along the red rock outcropping heading north west to Lone Pine Arch ending at the area below Square Top Mountain. It includes the stream bed, the flood plain, the uplands, and particularly the Red Rock outcropping from south of Cole Springs to Lone Pine Arch to the base of Square Top. (see map Exhibit "C1").

### **Relevant and Important Values**

In the area south and west of Cole Springs there exists another cave called the "Ceiling Cave". This cave has also been identified by the Shivwits Tribe to have significant importance. In this cave the ceiling has fallen and many Petroglyphs have been drawn on the fallen slab. This area is now disturbed by prevalent ATV use. The last time I hiked into this special area my experience was diminished by the excessive noise and dust of motorized vehicles. ATV and 4 wheel traffic should be completely restricted in this area. This area should be closed to motorized use and should be respected as a primitive area.

The resource values the ACEC contains cannot be replicated elsewhere and are at risk from motorized use. The areas and drainages are covered in pottery, lithic flakes, or debitage, chert, Pictographs, and Petroglyphs. The Federal Land Policy and Management Act (FLPMA) obligates the BLM to "give priority to the designation and protection of areas of critical environmental concern [ACECs]." 43 U.S.C. § 1712(c)(3). ACECs are areas "where special management is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes." 43 U.S.C. § 1702(a).



BLM's ACEC Manual (1613) provides additional detail on the criteria to be considered in ACEC designation, as discussed in the applicable regulations, as well. See, Manual 1613, Section .1 (Characteristics of ACECs); 43 C.F.R. § 8200. An area must possess relevance (such that it has significant value(s) in historic, cultural or scenic values, fish & wildlife resources, other natural systems/processes, or natural hazards) and importance (such that it has special significance and distinctiveness by being

more than locally significant or especially rare, fragile or vulnerable). In addition, the area must require special management attention to protect the relevant and important values (where current management is not sufficient to protect these values or where the needed management action is considered unusual or unique), which is addressed in special protective management prescriptions. For potential ACECs, management prescriptions are to be “fully developed” in the RMP. Manual 1613, Section .22 (Develop Management Prescriptions for Potential ACECs). The Gunlock-Square top ACEC meets all three criteria for designation as an ACEC.

The Gunlock Square Top ACEC requires special management attention to protect the relevant and important values before they are lost. The current management is not sufficient to protect these values. Designating the area as an ACEC gives BLM a public platform for education and for more protective measures with permanent protection. The ACEC designation will focus BLM to more aggressively protect this area from motorized use.

### **Threats**

Motorized recreation can damage and even destroy cultural resources, scenic values and the natural character of lands. These values can be protected through this ACEC designation by imposing requirements for protective management. The ACEC area of the caves is currently designated as Open to motorized use on BLM’s Off Highway Vehicle designated map in the 1999 RMP and should be designated now as Closed. Off road vehicles can drive anywhere over land. It makes the cave area vulnerable to looting and has the most to lose if not protected. Most of the disturbances are associated with motorized use and livestock use. If left unprotected these areas would be vulnerable to increased resource abuse and damage as use of these areas increases. The area around the ACEC should be limited to designated roads and trails.

### **National Register of Historic Places**

This ACEC should be nominated to the National Register of Historic Places. In Section 110 of the National Historic Preservation Act, page 30 requires the BLM to assume responsibility for the preservation of historic properties it owns or controls (16 U.S.C. § 470h-2(a)(1) and to manage and maintain those resources in a way that gives “special consideration” to preserving their historic, archaeological, and cultural values. Section 110 also requires the BLM to ensure that all historic properties are identified, evaluated, and nominated to the National Register of Historic Places. *Id.* § 470h-2(a)(2)(A).

Further, the President’s “Preserve America” initiative (*See* Exec. Order 13287, March 3, 2003) requires the BLM to advance the protection, enhancement, and contemporary use of its historic properties. The BLM must ensure that “the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets.”

Therefore, BLM must carefully consider the effects of all RMP Amendment decisions on the wealth of, historic manmade structures, archaeological and cultural values located in the Gunlock-Square Top area. Since it will be difficult to evaluate the effect of decisions when the location of cultural resources is unknown, the BLM should undertake an archaeological inventory wherever necessary. In particular, in regards to travel planning, the BLM should consider where motorized and non-motorized routes are directing people, inventory cultural resources along those routes, and carefully consider the potential impacts to those resources.

## **AUTHORITY**

Although BLM has indicated its intent to focus on areas where “biological conservation is a priority” for ACEC designation in the RMP Amendment, consideration of this proposal is also within the agency’s authority and obligation. For instance, BLM’s ACEC Manual states:

If an area is identified for consideration as an ACEC and a planning effort is not underway or imminent, the District Manager or Area Manager must make a preliminary evaluation on a timely basis to determine if the relevance and importance criteria are met. If so, the District Manager must initiate a plan amendment to further evaluate the potential ACEC or provide temporary management until an evaluation is completed through resource management planning. Temporary management includes those reasonable measures necessary to protect human life and safety or *significant resource values from degradation* until the area is fully evaluation through the resource management planning process.

Manual 1613, Section .21E (Provide Temporary Management of Potential ACEC, if Necessary).

Here, an important area with significant resources is being directly threatened and a planning effort is underway. Consequently, BLM is obligated to consider this proposal and the ongoing RMP Amendment provides an opportunity to do so in the context of the other management and protection decisions being made.

### **Management Goals and Objectives:**

1. Apply for adequate funding
2. Manage to protect cultural resources, wildlife habitat, migration routes and ecological riparian values
3. Create interpretative signage to educate the public so they understand the resource and what is at risk which may reduce vandalism.
4. Adopt guidelines for recreation, camping and grazing standards to protect the resource
5. Protect the scenic values of the area
6. Maintain a maximum road density threshold of 1 mile per square mile, which will serve to protect the important values of the area and ensure the recreation focus is on non-motorized recreation
7. Manage for primitive and non-motorized recreation experiences, including non-motorized hunting

### **Management Prescriptions:**

1. Closed to OHV use
2. Unavailable for grazing
3. Closed to fuel wood
4. Proposed withdrawal from locatable mineral entry
5. Apply a VRM Class II scenic designation
6. Closed to the disposal of mineral materials
7. Avoided for ROW grants
8. Excluded from land treatment
9. Retain land in public ownership for permanent protection



## **Nomination**

Pursuant to FLPMA, 43 U.S.C. § 1701, *et seq.*, the undersigned formally nominate and petition the BLM to designate the Virgin River parcels as ACEC. We respectfully submit this nomination as part of the ongoing Plan Amendment and as interested parties, pursuant to BLM Manual 1617.81B (2000) and section 553(e) and 555(e) of the Administrative Procedures Act, 5 U.S.C. § 553(e), *et seq.* which grants members of the public an independent right to nominate areas of BLM-administered lands for ACEC designation. We have proposed the Virgin River parcels as potential ACECs based on the criteria set out in applicable laws and regulations, and as outlined in BLM Manual 1613.



**See Charts below on Relevance and Importance Criterion and Description.**

Evaluation of Relevance Criteria for Proposed Areas of Critical Environmental Concern

ACEC Gunlock-Square Top		
Nominator: Citizens for Dixie's Future PO 161 Hurricane, Utah 84737		Jeff Feldman <a href="mailto:muleypoint@gmail.com">muleypoint@gmail.com</a> Phone 435-636-4496
One Parcel - an area designated by G1 on BLM map. Northwest from Gunlock Reservoir to Square Top Mountain. (see Map Exhibit "C1" )		Boundary of ACEC ¼ mile - Described in ArcSoft and accompanied map as parcel G1
Values		- Cultural Resources - Non Motorized Recreation - Wildlife Corridors, winter range - Riparian corridor - archeological -scenic
Relevance – An area meets the "relevance" criterion if it contains one or more of the following:		
Relevance Value	Yes/No	Rationale for Determination Evidence
A significant historic, cultural, or scenic value (including but not limited to rare or sensitive archeological resources and religious or cultural resources Important to Native Americans).	Yes	Archeological sites: Pinwheel Site 12S 243778 4132737 Slot Site 12S 244055 4132359 Cave Site 12S 244005 4132336 Datum UTM NAD27 CONUS The ACEC encompasses many archeological sites that include an archaic cave and "ceiling cave" of significant importance to the Shivwits PaiuteTribe.
A natural process or system (including but not limited to endangered, sensitive, or threatened plant species; rare, endemic, or relic plants or plants	Yes	Protection to ACEC's ecological systems of the riparian corridor (vegetation, physical and aquatic habitats) for birds, fish and plant communities is important to sustain these populations and the health of the land. Wildlife corridors and winter range should be maintained.



Evaluation of Importance Criteria for Proposed Areas of Critical Environmental Concern

ACEC Gunlock-Square Top		
<b>Importance</b> – An area meets the “importance” criterion if it contains one or more of the following		
Relevance Value	Yes/No	Rationale for Determination Evidence
Has more than locally significant qualities which gives it special worth, consequence, meaning, distinctiveness, or cause for concern, especially compared to similar resource	Yes	Special significance is given to Ceiling Cave in the area by the local Shivwits Paiute tribe as a place of cultural importance.  It is eligible for the National Register of Historic places.
Has qualities or circumstances that make it, sensitive, rare, irreplaceable, exemplary, unique, endangered, threatened, or adverse change or vulnerable to adverse change	Yes	It is a very rare archeological site with reports that an Archaic Cave had been looted by pot hunters and was in jeopardy of being permanently damaged.
Has been recognized as warranting protection in order to satisfy national priority concerns or to carry out the mandates of FLPMA	Yes	FLPMA -Minimize adverse impacts on natural, environmental, scientific, cultural and other resources and values including fish and wildlife. (see above)

ACEC proposal for the Gunlock-Square Top		
Parcel descriptions	Current condition	Values- what will change (see management prescriptions)
The area beginning at Cole Springs along the red rock outcropping heading north west to Lone Pine Arch ending at the area below Square Top Mountain	Many small ATV tracks throughout the area	Permanent protection for Wildlife corridor and winter range. Scarred Land is in need of restoration. The archeological sites need protection.
Archaic Cave 12 S 244005 4132336	Looted, floor dug up	Restoration of cave should be completed. Add interpretative signage explaining significance of these ancient areas of habitation.
Ceiling Cave 12 S 246862 4129147 12 S 247769 4129672	Many small ATV tracks throughout the area	Restoration of area around cave and other rock shelters in general with interpretative area explaining significance of these areas of habitation.
Pinwheel Petroglyph 12 S 243778 4132737	Chalking	Restoration to site , interpretative center

