

NOMINATION

VIRGIN RIVER AREAS OF CRITICAL ENVIRONMENTAL CONCERN



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 the BLM's Virgin River parcels for designation as Areas of Critical Environmental Concern in BLM's Resource Management Plan Amendment.

General Description

"The Virgin River and its many tributaries flow through portions of the county and provide the lifeblood to the desert and mountain ecosystems and human populations that reside therein."¹ Countless numbers of wildlife and vegetation species, many at the extreme end of their natural ranges, contribute to a rich biological diversity that is otherwise uncommon in parts of the arid intermountain west. BLM's Virgin River parcels of land warrant protection as Areas of Critical Environmental Concern (ACEC) to provide an added layer of recognition and permanent protection and provide biological corridors that are crucial priorities.

The Virgin River is the most biologically rich area managed by BLM. Therefore, CDF urges BLM to take administrative steps to target native, threatened, endangered and special-status species habitat for ACEC designation, that would serve to further protect vital, yet rare, riparian habitats and wildlife corridors. The Virgin River is critical habitat for the woundfin and Virgin River chub and southwestern willow flycatcher below the Quail Lake diversion, as well as habitat for the state's sensitive fish species including the Virgin spinedace, flannelmouth sucker, desert sucker and speckled dace. It is also habitat for Peregrine Falcon, Bald Eagle, and Western Yellow-billed Cuckoo. Above the Quail Lake diversion the river has populations of native fish including the Virgin spinedace, flannelmouth sucker, desert sucker, speckled dace and includes regenerating galleries of cottonwood trees and willows. The upper reaches of the Virgin River on BLM land are wildlife corridors from Zion National Park to the south and west and need permanent protection.

Boundaries

CDF nominates the parcels of BLM land listed below on the Virgin River as high priority biological Areas of Critical Environmental Concern (ACEC). The ACEC would include the stream bed, the flood plain, the uplands and its riparian zone. The boundary of the ACEC would be ¼ mile on each side of river of the normal high water line.² The Virgin River is a sensitive resource needing special management to protect federal assets of native, threatened, endangered and special-status species and imperiled State-listed sensitive species, cultural resources, scenic values and public water supplies. The scenic values of the Virgin River corridor would also be protected. Millions of tourists drive by the river on I-15 and Highway 9 and enjoy the view of the river and its green ribbon of vegetation in an arid desert environment.

Relevance and Importance

"The Virgin River is one of the largest riparian corridors in the desert southwest."³ "A large diversity of wildlife depends on the riparian habitat in the Basin. The main stem Virgin River, Santa Clara River, and Beaver Dam Wash in particular provide important habitat for migrating, nesting and breeding species. A total of 354 different species of wildlife are known to exist in the Basin. Avian species (243) are the most numerous, followed by mammals (70) and reptiles (41). Approximately 9% of the birds, 21% of the mammals and 15% of the reptiles are listed as sensitive species because of their rare or declining status. Approximately 90% of the wildlife

¹ Utah BLM RMP 1999, p. 1.1

² Arizona Strip RMP Draft, Nov 2005, Virgin River ACEC p. 4-326,

³ US Army Corp of Engineers, Virgin River Watershed Strategy, 2008, p.7

species in Washington County use riparian corridors. For avian species these areas are critical. Riparian habitat is critical to numerous neotropical migrant bird species, which do not occur anywhere in the state outside the floodplain. Twenty-four avian species that occupy the Virgin River main stem and tributary floodplain habitat breed primarily in Washington County.”⁴

The Virgin River in Washington County flows through the intersection of three physiographic regions with three unique ecosystems, including the Colorado Plateau, the Great Basin, and the Mojave Desert. “Washington County supports 38 candidates currently under consideration by the USFWS for listing as threatened or endangered species. As well as 19 species which are State-listed. Six of these species are considered quite likely to be federally listed. Efforts will concentrate on broad-based activities benefitting communities and ecosystems and proactive actions alleviating the need for listing or resulting in a lower priority listing candidate species.”⁵

Threats

These Virgin River parcels are vulnerable and have the most to lose if not protected. The population numbers of native, threatened, endangered and special-status species continue to decline. These parcels are irreplaceable, in that values they contain cannot be replicated elsewhere. “Many riparian areas in the Basin have experienced both natural and human-made disturbances. Most of the disturbances are associated with water depletion, flooding, road construction, recreational use, livestock use, and invasion of non-native vegetation.”⁶ “The Virgin River basin is currently being impacted by a significant level of development and population growth. Much of this development is occurring in lowland areas adjacent to the floodplains and high flood areas, which are also critically important habitats for protected and sensitive wildlife areas.”⁷ If left unprotected these Virgin River parcels would be vulnerable to increased resource abuse and damage as use of these areas increases.

ACEC Provides Permanent Protection

Outdoor recreation can damage and even destroy fish, wildlife and plant habitat, 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 Virgin River parcels require special management attention to protect the relevant and important values because the current management is not sufficient to protect these values. Designating the Virgin River parcels as ACECs gives permanent protection of these federal assets and a public platform for education and the ability for more protective measures. The BLM could lead the way on Virgin River protection and be the example that other communities and agencies could follow. Many sections of the river corridor in the county have no clear ownership and BLM could be the leader here as well in cooperation with communities to protect these numerous sections of river to further protect the habitat of federal special status species.

In addition in 1991, the BLM Director approved the Riparian-Wetland Initiative for the 1990’s which establishes national goals and objectives for managing riparian-wetland resources on public lands. The RMP Amendment should implement BLM’s Riparian-Wetland Initiative, particularly the objective of restoring 75% of riparian areas to “proper functioning condition” .

⁴ Virgin River Resource Management and Recovery Program, EA, June 2001, pp 3-15, 3-16

⁵ USFWS, HCP, 1995 p. 139

⁶ Virgin River Resource Management and Recovery Program, EA, June 2001, p. 3-15

⁷ US Army Corp of Engineers, Virgin River Watershed Strategy, 2008, p.5

Further, BLM in its 1999 RMP recognized there were emerging areas of concern about the Virgin River such as "management of lands and resources appurtenant to and, in many cases, dependent upon the Virgin River and major tributaries"⁸ that need to be addressed. Nominating the Virgin River parcels for special management as ACECs addresses this concern in the RMP.

The ACEC designation would also provide a goal of the 2001 Virgin River Resource Management and Recovery Program to "protect and enhance aquatic, riparian and 100 year floodplain habitat"⁹.

The designation will also sharpen BLM's focus to "identify watersheds that may need special protection from the standpoint of human health concerns, aquatic ecosystem health, or other public uses." BLM Land Use Planning Handbook H-1601-1, Appendix C at 2. For riparian areas within these watersheds, the BLM must also identify desired width/depth ratios, streambank conditions, channel substrate conditions, and large woody material characteristics."

Additionally, the designation of the Virgin River parcels of BLM land as an ACEC helps BLM to meet its mandate to protect the health of the river. Utah Standards and Guidelines for Healthy Rangelands (USGHR) outlines the new national mandate, which describes four standards to be applied to all rangelands:

1. "Upland soils exhibit permeability and infiltration rates that sustain or improve site productivity, considering the soil type, climate and landform.
2. Riparian and wetland areas are in properly functioning condition. Stream channel morphology and functions are appropriate to soil type, climate and land-form.
3. Desired species, including native, threatened, endangered and special-status species are maintained at a level appropriate for the site and species involved.
4. BLM will apply and comply with water quality standards established by the state of Utah and the Federal Clean Water and Safe Drinking Water Acts. Activities on BLM lands will fully support the designated beneficial uses described in the Utah Water quality standards for surface and ground water."

Standards and Objectives:

1. Improve habitat for the endangered, native fish and migrating birds, and wildlife corridors
2. Make ACEC funding a priority in the budget
3. Understand how much water is being diverted from the Virgin River by the Quail Creek project and how much water is being returned to the river and how that impacts fish.
4. Create a healthy functioning ecosystem to protect ecosystem integrity and regional connectivity.
5. This could be the starting point to implement the US Army Corp of Engineers 2008 Virgin River watershed protection strategy. The BLM manages 67% of the Virgin River watershed in Utah, Nevada and Arizona.

⁸ Id p.1.5

⁹ Virgin River Resource Management and Recovery Program, EA, June 2001, pp 4-2,4-3

6. Use these parcels as anchors to start a U. S. Army Corps of Engineers mitigation bank concept. These parcels could be expanded by BLM purchase. St George City is starting a mitigation bank area.
7. Restore riparian and uplands to reduce flooding- ACEC designation can be established to reduce the threat to human safety and property. Riparian habitat at its potential and restoration of the uplands reduces the impacts of floods.
8. Educate the public so they understand the resource and what is at risk.
9. Adopt new guidelines for recreation, camping and grazing standards to protect the water quality
10. Protect the scenic values of the river corridor

General Management Practices:

1. Floodplain management- lead by example for the protection of the Virgin River floodplain
2. Restore and protect riparian values and associated habitats- The Price Field Office of Utah improved documentation of riparian areas on its web site with Riparian functioning Conditions Analysis Database. It includes information on the vegetation communities and often has accompanying photos of survey sites.
3. Reduce invasive species
4. Take steps to improve water quality
5. Protect the archaeological sites by inventory and monitoring
6. Promote better land-use planning next to the floodplain and management of storm water runoff.
7. Develop site-specific management plans for monitoring, enforcement and reporting
8. Prohibit incompatible uses, recognizing that recovering damaged resources is much more difficult in the desert than preserving healthy ones

Management Prescriptions:

1. Limit OHV use to designated trails
2. Plans of operations would be required for mining
3. Manage grazing to protect water quality and protect riparian values
4. Closed to fuel wood and mineral sales
5. Public land would be retained in public ownership
6. Permanent protection for fish and wildlife habitat
7. VRM Class I

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 Descriptions.

Evaluation of Relevance Criteria for Proposed Areas of Critical Environmental Concern

ACEC proposal for Virgin River Parcels		
Nominator: Citizens for Dixie's Future PO 161 Hurricane, Utah 84737		Jane Whalen janewhelen@earthlink.net Phone 435-635-2133
6 Parcels owned by the BLM in General location: gravel terrace parcel; Mosquito Cove; Virgin Town Park; Red Cliffs NCA; Shinob Kibe; expand the lower Virgin River ACEC to include the river to the north. Detailed Description below.		Boundary of ACEC ¼ mile from the high water mark; includes the stream; the riparian zone, flood plain and uplands
Values		<ul style="list-style-type: none"> - Endangered Fish & Bird habitat - Riparian resources - biological - regenerating galleries of cottonwood trees and willows. - Wildlife Habitat - Water quality maintenance - 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	Scenic value of green vegetation in a desert landscape. The Virgin river is located on the state designated Zion Park Scenic Byway. Five County Governments is now making application to put section of highway on the National Scenic Byway. Archeological sites in certain areas.
A fish and wildlife resource (including but not limited to habitat for endangered, sensitive, or threatened species or habitat essential for maintaining species diversity).	Yes	The Virgin River is critical habitat for the endangered woundfin and Virgin River chub and southwestern willow flycatcher. As well as the imperiled State-listed sensitive fish species including the Virgin spinedace, flannelmouth sucker, desert sucker and speckled dace. Also habitat for Peregrine Falcon, Bald Eagle, Western Yellow-billed Cuckoo.
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 The Virgin River's ecological systems (vegetation, physical and aquatic habitats) for birds, fish and plant communities is important to sustain these populations and the health of the land.

Evaluation of Importance Criteria for Proposed Areas of Critical Environmental Concern

Virgin River ACECs		
Importance— 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	Executive Order 13186 requires BLM to protect migratory birds and their habitat. The Virgin River is a wildlife corridor for bird migration. The State of Arizona designated the Virgin River as an ACEC in the 1992 Arizona Strip RMP to protect riparian, endangered fish, and scenic values. The ACEC encompasses 8,075 acres, including 29 miles of the Virgin River. The Virgin River and associated riparian provides habitat for two federally listed fishes, the Virgin River chub and the woundfin minnow.
Has qualities or circumstances that make it fragile, sensitive, rare, irreplaceable, exemplary, unique, endangered, threatened, or adverse change or vulnerable to adverse change	Yes	The Virgin River is critical habitat for the woundfin and Virgin river chub and southwestern willow flycatcher. As well as the state’s sensitive fish species including the Virgin spinedace, flannelmouth sucker, desert sucker and speckled dace. Also habitat for Peregrine Falcon, Bald Eagle, Western Yellow-billed Cuckoo.
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)
Natural hazards (including but not limited to areas of avalanche, dangerous flooding, landslides, unstable soils, seismic activity, or dangerous cliffs). A hazard caused by human action may meet the relevance criterion if it is determined through the resource management planning process that it has become part of a natural process. Poses a significant threat to human life and safety or to property.	Yes	Flooding-ACEC designation can also be established to reduce the threat to human safety and property. Riparian habitat and uplands restoration reduces the impacts of floods.

Virgin River ACECs		
Parcel descriptions	Current condition	Values- what will change (see management prescriptions)
<p>T42S-R11W-Section 3</p> <p>Rockville- Gravel Terrace across from Grafton- UDOT has a lease for the gravel terrace. The riparian zone includes native plants, regenerating cottonwood tree forest and willows.</p>	<p>The tamarisk and Russian Olive trees are chocking the system.</p> <p>Camping by transients that are building fires.</p> <p>It is a wildlife corridor from Zion National Park Coal Pits Wash to the south into south wash to Canaan Mountain Wilderness Area.</p>	<p>Restoration is needed and invasive species removed. The goal would be make the area a wildlife preserve.</p> <p>Partner with other property owners to protect the area.</p> <p>On the Audubon maps noted for bird watching. Use for scientific research.</p> <p>Zion National Park removed tamarisk and Russian Olive trees across the highway from all their streams.</p> <p>No Camping.</p> <p>Good habitat for native fish and birds. Habitat for imperiled state's sensitive fish species including the Virgin spinedace, flannelmouth sucker, desert sucker and speckled dace. Permanent protection for wildlife corridor.</p>
<p>T42S-R11W-Section 4</p> <p>Rockville- Mosquito Cove BLM will close the area. Mature forest of Cottonwood trees</p>	<p>Used for illegal camping. Fire hazard with fire pits;</p> <p>Compacted soils; It is wildlife corridor from Zion National Park to the south.</p>	<p>Is in need of restoration. The archeological sites need protection; permanent protection Wildlife corridor;</p> <p>No camping</p> <p>Retain permanent fish monitoring site.</p> <p>Habitat for the state's sensitive fish species including the Virgin spinedace, flannelmouth sucker, desert sucker and speckled dace.</p>
<p>T12W-R12W Section 28</p> <p>Virgin Town Park Half of the parcel is swimming hole off rock terrace outcrop.</p> <p>The other half is in need of riparian restoration. The south side has no vegetation and could have been over grazed in the past. It is a good candidate to create riparian habitat.</p>	<p>ATVs are prohibited but coming in the north side.</p> <p>Includes a restroom, Parking lot</p>	<p>Restoration of the riparian habitat with public outreach to educate park users the benefits of protecting fish and wildlife.</p> <p>Retain permanent fish monitoring site.</p> <p>Costa's Hummingbird; southwestern willow Flycatcher; Blue Grosbeak; Yellow-Breasted Chat; Abert's Towbee; habitat for the state's sensitive fish species including the Virgin spinedace, flannelmouth sucker, desert sucker and speckled dace.</p>
<p>T41S-R13W Sections: 20,21,27,29,30 Virgin River parcel inside the Red Cliffs NCA</p>	<p>Red Cliffs Desert Reserve</p>	<p>It would focus protection to the endangered and native fish and bird habitat. Critical Habitat for woundfin and chub.</p>

Parcel descriptions	Current condition	Values- what will change (see management prescriptions)
<p>T42S-R15W Section 24 T42S-R14W Section 19</p> <p>Shinob Kibe</p>	<p>Start of critical habitat in county for Southwestern Willow Flycatcher; nesting area and foraging for birds and other wildlife; a population of bear claw poppy; It may connect to TNC parcel to protect poppy.</p>	<p>Permanent protection to: Relict Leopard Frog; Red spotted Toad; Yellow-Breasted Chat; waterfowl and shorebird habitat; Arizona Bell's Vireo; Abert's Towhee; Blue Grosbeak;; Western Yellow-Billed Cuckoo</p> <p>Critical Habitat for woundfin and chub and also fish habitat for Virgin spinedace, flannelmouth sucker, desert sucker and speckled dace.</p> <p><i>*note- species list taken from The Nature Conservancy Report, Ecoregion-Based Conservation in the Mojave Desert 2001.</i></p>
<p>T43S R16W sections 22, 15</p> <p>Lower Virgin River ACEC expansion (See Map Exhibit "4")</p> <p>To capture the river near the St George water treatment plant on the north and expand ACEC south boundary to the Arizona State line to protect Holgren milkvetch</p>	<p>ATVs are damaging the plants and wildlife</p>	<p>Limit ATV use.</p> <p>Permanent protection to: Big horn sheep, ducks, swans, and geese, Relict Leopard Frog; Red spotted Toad; Yellow-Breasted Chat; waterfowl and shorebird habitat; Arizona Bell's Vireo; Abert's Towhee; Blue Grosbeak; Western Yellow-Billed Cuckoo</p> <p>Critical Habitat for woundfin and chub and also fish habitat for Virgin spinedace, flannelmouth sucker, desert sucker and speckled dace.</p>