

# **Addendum “B”**

## **NOMINATION**

### **ZION SCENIC CORRIDOR AREA 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

## OVERVIEW

BLM should designate and manage the Zion Scenic Corridor along scenic Highway 9 as an ACEC (total area is 52,268 acres; BLM acreage is 34,322) providing protection for scenic vistas, biological, historical and cultural resources, soils, watershed, recreational, educational, and economic opportunities. This important area provides significant views of the spectacular mesas and cliffs of BLM land and the remarkable Virgin River as it rushes out of Zion Canyon in Zion National Park. The river sustains significant habitat for many important species found in the area and contains myriad relics from prehistoric and historic settlers.

The scenic qualities of BLM land are incredibly important for the economic well-being of the surrounding local communities and county. The Zion Scenic Corridor ACEC will complement the State of Utah's designation of Highway 9 as a Scenic Byway as well as the road's possible designation as a National Scenic Byway. The initiative to develop a scenic road system was inspired by a study, which was completed in late 1985 by Five County Association of Governments. It suggested that our National Parks were experiencing overuse while nearby BLM land and community recreational areas were being underutilized. This initiative was to become the prototype of a statewide program that would involve the participation of several state and federal agencies and many local government groups, and would become a major marketing action for Utah's tourism and recreation industry to educate the public on the local points of interest along the road. The designation of Scenic Byways and Backways in Utah is a US Forest Service, Bureau of Land Management, National Park Service, Association of Governments, Utah Department of Transportation, Federal Highways Administration, Utah Travel Region, and Utah Travel Council joint program. Criteria for a scenic byway road are that it should possess outstanding scenic, recreational, historical, educational, scientific or cultural values or features. In 1990, the program was adopted and Highway 9 from I-15 to Mount Carmel Junction was designated the Zion Park Scenic Byway. Highway 9 is also designated by the state as the Utah National Parks Highway, Utah Code 72-4-203. The economic value scenic roads is clear, driving for pleasure is Americans second favorite leisure activity, and where Americans and their cars go, money follows.



The following is the formal nomination of the Zion Scenic Corridor for designation as an ACEC in BLM's Resource Management Plan Amendment.

## GENERAL DESCRIPTION

With its towering sandstone cliffs Zion National Park is one of the nation's most stunning scenic gems. Just to the west of the Park are similarly stunning formations that contain many of the similar qualities that give the Park its significance, but are currently undesignated federal lands within the National System of Public Lands. With almost 3 million people passing through the Park each year, this scenic corridor is an important economic gateway to the local communities around the Park. This highly significant and threatened area is an excellent candidate for the acknowledgment and protection inherent in designation as an Area of Critical Environmental Concern by the BLM. This ACEC is especially needed in light of the growth in development and visitation since the 1999 RMP was completed ten years ago.

## **BOUNDARIES**

The boundaries for the proposed ACEC on BLM land are provided in the enclosed map (Attachment 1). The corridor generally follows Highway 9 from the La Verkin twist to Springdale and follows North Creek into Zion National Park. The boundary has been designed to follow the natural topography of the area so as to provide the public with generally uninterrupted and undisturbed views of the Virgin River with prominent galleries of cottonwood trees and a green ribbon of vegetation, North Creek, Hurricane Cliffs, Hurricane Mesa, Gooseberry Mesa, Grafton Mesa, Wire Mesa, Crater Hill, and wildlife in this area. The south boundary would be next to the Canaan Mountain Wilderness Area boundary that is at the top of cliff to protect the cliff face of Smithsonian Butte. See Map Exhibit "B1".

## **RELEVANCE AND IMPORTANCE**

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 Zion Scenic Corridor meets all three criteria for designation as an ACEC.

### **1. The Zion Scenic Corridor is Highly Relevant Area as Defined by BLM Regulations and Policy.**

The proposed Zion Scenic Corridor ACEC possesses significant scenic, cultural, critical soils, watershed areas and wildlife values as recognized by the State of Utah, local communities and government, conservation organizations, and federal agencies (including the BLM). These acknowledgements should be given due deference in consideration of this nomination for ACEC status.

The State of Utah has recognized the significance of this particular corridor by designating Highway 9 as a Scenic Byway. In addition, the scenic value of this stretch of Highway 9 is recognized throughout America. Recently, the Five County Association of Governments in coordination with local communities are developing a Corridor Management Plan to submit to the Federal Highway Administration to designate this route as a National Scenic Byway from I-15 at Hurricane in Washington County to Mount Carmel Junction in Kane County. A report is being drafted on its uniqueness, including the archaeological, cultural, historic, recreational, scenic and natural values. The proposal comes from the Zion Canyon Coordinating Council. The Byway has been praised as one of America's most scenic drives. Currently, the scenic vistas that gave the road this special recognition are mostly undesignated BLM public land from La Verkin to Springdale.

A recent study concluded that the scenic resources within the Zion Scenic Corridor:

“could well be considered one of the area’s most vital resources, as it brings in \$83 million of tourist revenue annually. The dramatic landscape of Zion National Park and its entry corridor is the primary reason so many visitors flock to the area every year. Also this signature landscape is likely the reason many of the residents chose to settle here. It is a unique and iconic asset to the region.” Utah State University’s Zion Canyon Corridor Futures Study (March 2009) at 19.

The corridor was nominated and had local support but was not designated in the last revision of the governing BLM’s Resource Management Plan. However, BLM did explicitly recognize the “extraordinary scenic values” along this route corridor several times in the plan. *See, e.g.*, RMP at 5.32. This acknowledgement, made in 1999, is even more important today as the region has encouraged large and rapid growth over the last decade.

The public sentiment coming out of the Vision Dixie process is captured by the ten Vision Dixie Principles and recommendations set out in the Vision Dixie 2035: Land-Use and Transportation Vision (2007). Vision Dixie incorporated input from a broad collaboration of the Washington County community, including over 3,000 local residents. BLM should give serious deference to the historic Vision Dixie process and recommendations in revising its land use plan.

Vision Dixie Principle #3 states, “Guard our signature scenic landscapes,” and continues to elaborate on what is meant by this principle:

**“Protect unique physical features.** The spectacular visual setting of southern Utah is central to our quality of life and helps drive our economic engine, drawing residents, businesses, and tourists to Washington County. Our ridgelines, bluffs, mesas, dry washes, promontories, hillsides and river corridors make Dixie unlike any other place. In addition, the County is home to diverse, and even unique, plant and animal species that add to the area’s striking appeal. To retain long-term desirability, Dixie’s vision preserves our scenic characteristics and habitat as growth occurs....” Vision Dixie 2035: Land-Use and Transportation Vision (2007) at 9.

The relevance and importance of Washington County’s scenic resources cannot be overstated and those that are most spectacular, such as the Zion Scenic Corridor, should be protected as described above. This protection must extend to scenic values that exist on public lands, as well. As stated in Vision Dixie Principle 10, “Focused Public Land Conversion Should Sustain Community Goals and Preserve Critical Lands,” meaning that “Washington County residents value public lands for *scenic*, recreational and environmental values and want any conversion to be done with care.” Vision Dixie 2035: Land-Use and Transportation Vision (2007) at 12. Designation of the Zion Scenic Corridor ACEC would help protect the scenic values on public lands as desired in the Vision Dixie Principles.

In addition to the scenic qualities that initially stand out as significant, there are also other significant qualities on BLM land. For example, the area within the ACEC boundary contains evidence of habitation by Ancestral Puebloans, or the Virgin Anasazi, from about 2,000 years ago until around A.D. 1200 on hill tops and in valleys. Historic relics of European descent also remain in the area, such as the Grafton cemetery and Wood Road built by Grafton settlers who carried wood in wagons from 75 miles away to build the Grafton Schoolhouse and other buildings, and the large intact sheep corral on Highway 9 that are important remnants of pioneer settlement.



The BLM land within the ACEC is also biologically significant. The Virgin River riparian area provides important vegetation and a water source for wildlife in the area as well as habitat for the federally listed southwestern willow flycatcher. The Peregrine Falcon, and Bald Eagle, can be seen migrating along the river. The endangered Holgren milkvetch is located on the Rockville bench. The Desert Tortoise can also be found within certain parts of the ACEC.

## **2. The Values of the Zion Scenic Corridor are Substantially Significant as Defined By BLM Regulations and Policy.**

For the foregoing reasons stated above, the BLM land in the Zion Scenic Corridor has significant scenic and cultural values. However, these values are also unique among scenic corridors in the nation. Nowhere else can you see the type of striking multi-hued mesas and towering cliffs as the backdrop to the free-flowing Virgin River and the green riparian forest it sustains.

The area within the Zion Scenic Corridor is also biologically important for federally listed species, such as the Desert Tortoise, the southwestern willow flycatcher and the Holgren milkvetch, as well as candidate species such as the state's sensitive fish species, the Virgin spinedace, flannelmouth sucker, desert sucker and speckled dace. Due to the quality of the environment, the area has been settled by ancient tribes and pioneers of the past and retains highly significant and nationally important cultural value.

The Vision Dixie report discussed how the community is unique among other American communities because of the surrounding environment: "Our physical setting sets us apart from the rest of the United States, making us a unique place that helps draw residents, tourists, and business. While we have many other assets, our physical setting makes us distinctive." Vision Dixie 2035: Land-Use and Transportation Vision (2007) at 21.



The BLM acknowledged the following in the 1999 RMP, stating, "[t]his Proposed Plan recognizes the **extreme importance** of the scenic values along I-15 and Highway 9 and the viewsheds from these routes. In particular, Highway 9 has been established as a State Scenic Highway

from I-15 in Hurricane into Zion National Park, and this corridor is considered **integral to the scenic vista of this Park.**" RMP at 3.41 (emphasis added).

In 1999, BLM found that the area did not possess the necessary qualities for ACEC designation in part because of the strip of private ownership land along Highway 9, RMP at 5.30. However, if the agency considers the corridor as the entire landscape stretching to the dramatic multi-colored mesas and cliffs on either side of the highway, as the Utah State University report and the state and others have done, then it is clear that the majority of the scenic corridor is actually within the National System of Public Lands and is dependent on BLM for the preservation of those qualities. In addition, by taking this approach, the agency can develop a management approach that will protect the landscape and provide for acquisition of additional lands to support protective management.

## **3. The Qualities of the Zion Scenic Corridor Face Immediate Threats Without a Protective Management Designation.**

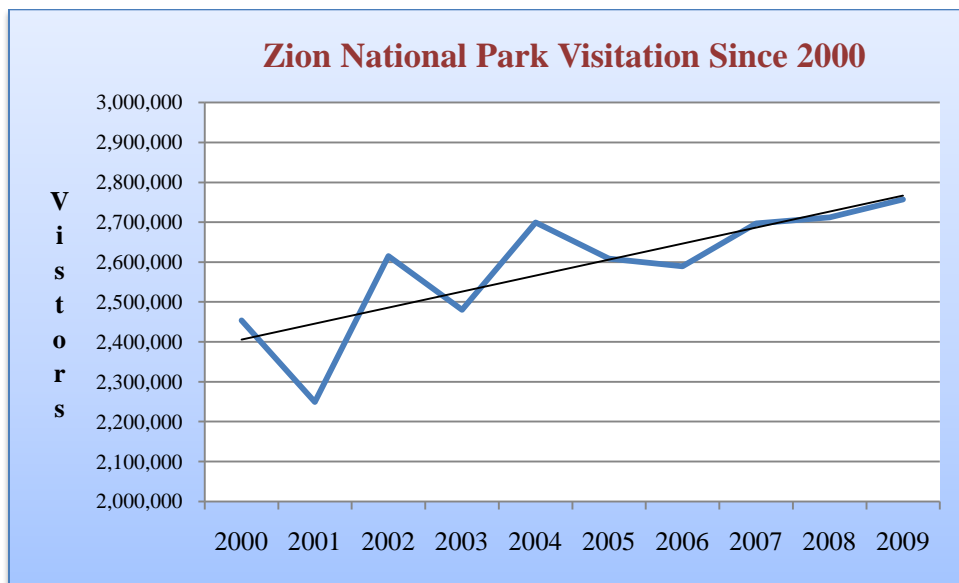
The scenic, cultural, wildlife, soil, watershed and economic values of the Zion Scenic Corridor could significantly diminish in the future if BLM retains the status quo for management of this area. Although Highway 9 is currently

designated as a Utah Scenic Byway and could become a National Scenic Byway in the near future, the surrounding BLM lands that create the opportunity for such a spectacular scenic viewshed currently hold no formal protective designation or management prescriptions.

The 1999 RMP found this scenic corridor to be one of the 2 most important scenically important routes in the area in spite of the major development in the area.

The past 20 years of growth within the county have created an extreme transformation around the urban and outlying transportation corridors from a visual perspective. The two most scenically important routes are I-15, which bisects Washington County, and Utah Scenic Highway 9 into Zion National Park, RMP at 3.67.

The region and communities within the corridor have expanded considerably since the RMP was issued. All of the major towns along the corridor have experienced population growth since 2000, including Springdale (20.57 %), Virgin (28.93 %), La Verkin (+22.11 %), Hurricane (+46.47 %). Additionally, since the highway was completed in 1930, the Park has experienced regular increased visitation and this trend has continued the last ten years as shown in the chart below:



As the population and visitation increases, the surrounding BLM land will face pressure to be developed – risking the nationally significant scenic values that draw so many people to the area. In the existing RMP, BLM has already recognized that there may be a need to revisit the decisions in the 1999 RMP from time to time as circumstances change:

“VR-03 As Washington County continues to respond to forces of change, the classifications will be reviewed from time to time and modified as needed in response to factors such as new legislation, revisions to local land use plans, unexpected shifts in urbanization, visual objectives in local land use agreements, or determinations that broad planning objectives are not being met. Such changes will be made through the planning process RMP/ROD at 2.51.”

There is no better time for BLM to reconsider the designation and protective management of this area in light of the change in community character and future trends.

### **SPECIFIC PROPOSED MANAGEMENT PRESCRIPTIONS**

1. VRM Class I.
2. Retain current designations for fluid mineral leasing as closed and make the remainder of the corridor NSO.
3. Close to disposal of mineral materials as these sites are managed as VRM Class IV and will conflict with the purpose of the scenic ACEC.
4. Withdrawal from locatable mineral entry.
5. All uses limited to designated roads and trails.
6. Exclude authorizations for new rights-of-way or other reality actions (including communications towers and wind development).
7. BLM will seek out opportunities to acquire non-federal land within the ACEC boundary, including purchase from willing private sellers and/or exchange, and upon acquisition such lands will be incorporated into the ACEC.



### **AUTHORITY**

In the 1999 RMP, one of the reasons given by BLM for not designating the corridor was its lack of authority for doing this type of designation. The RMP stated that “BLM has no authority under current law or regulation to designate a “Scenic Corridor.” The State of Utah has designated Highway 9 as a “Scenic Byway” and BLM has proposed to support this designation by assigning VRM Class II objective in this area.” RMP at 5.32. However, there is precedent for BLM designating scenic corridor ACECs along highways in the State of Utah. *See, e.g.,* I-70 Corridor ACEC (Currently designated in the 2008 Price RMP; originally designated in the 1991 Price RMP).

Further, 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). 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.

### **NOMINATION**

Pursuant to FLPMA, 43 U.S.C. § 1701, *et seq.*, the undersigned formally nominate and petition the BLM to designate the Zion Scenic Corridor ACEC to protect the scenic and cultural resources. We respectfully submit this

nomination as part of the ongoing St. George Resource Management 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 Zion Scenic Corridor as a potential ACEC based on the criteria set out in applicable laws and regulations, and as outlined in BLM Manual 1613.

In addition, see more detailed information in Virgin River ACEC nomination.

### Evaluation of Relevance Criteria for Proposed Areas of Critical Environmental Concern

ACEC proposal for the Zion Scenic Corridor		
Nominator: Citizens for Dixie’s Future PO 161 Hurricane, Utah 84737		Jane Whalen <a href="mailto:janewhelen@earthlink.net">janewhelen@earthlink.net</a> Phone 635-2133
Values  Also see Virgin River ACEC for more detailed description of the river parcels.		<ul style="list-style-type: none"> <li>- Scenic</li> <li>- biological</li> <li>- Wildlife Habitat and corridors</li> <li>- Endangered species habitat</li> <li>- Riparian resources</li> <li>- Archeological resources</li> <li>- Historic resources</li> <li>-Critical soils</li> <li>-Watershed protection</li> <li>- Economic</li> </ul>
<b>Relevance</b> — An area meets the “relevance” criterion if it contains one or more of the following: Relevance Value Yes/No Rationale for Determination		
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	Extraordinary scenic value of multi-hued mesa steep cliffs and stunning lush greenery along the spectacular Virgin River. Archeological sites on the hill tops and historic sites such as the Grafton cemetery and Wood Road that was built by Grafton’s settlers.
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	Desert tortoise habitat near the town of Springdale. The Virgin River is habitat for the 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.
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. The endangered Holgren milkvetch is located on the Rockville bench. Protection to 34,322 acres of Virgin River watershed and the Town of Rockville’s municipal spring and well



## Evaluation of Importance Criteria for Proposed Areas of Critical Environmental Concern

<b>ACEC proposal for the Zion Scenic Corridor</b>		
<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
Has more than locally significant qualities which gives it special worth, consequence, meaning, distinctiveness, or cause for concern, especially compared to similar resource	Yes	One of America’s most scenic areas and visited by people around the world for its scenic qualities in and around Zion National Park. No other landscape in the world like it.
Has qualities or circumstances that make it fragile, sensitive, rare, irreplaceable, exemplary, unique, endangered, threatened, or adverse change or vulnerable to adverse change	Yes	Unique among BLM lands for the type of scenic landscape. Fragile and threatened due to increased growth in the area and pressure to develop. The Virgin River is habitat for 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 scenic, natural, environmental, scientific, cultural and other resources and values including fish and wildlife. Preventing unnecessary or undue degradation of the lands.
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.	No	