

Misleading Frequently Asked Questions Responses regarding BLM St. George Field Office's Draft Management Plans

Prepared by Washington County
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Below are detailed explanations, including screen shots of the BLM FAQ and draft plans, that illustrate Washington County's concerns over the information being disseminated to the public by the Bureau of Land Management.

A. Factual Misstatements

1. California condor and other protected species. The FAQ states that the BLM does not propose to authorize the reintroduction of endangered species and specifically the California condor, but the management actions regarding listed species generally and the California condor specifically on pages 94 and 213 clearly "authorize the reintroduction" of species. See pages 90, 209 (generally), 94, and 213 (California condor).

a. BLM FAQ screenshot.

Did the BLM propose to authorize the re-introduction of species listed under the Endangered Species Act (ESA) in the NCAs?

No. Under the ESA, all federal agencies are legally required to undertake programs and actions that will further the goals of recovery and delisting for threatened and endangered species. Re-introductions of listed species into historic habitats are among the types of actions that can be used to assist population recovery, particularly where those habitats are being protectively managed, such as in an NCA. The draft NCA RMPs evaluate this potential future management action to comply with legal requirements under the ESA. However, any actual re-introduction of species listed under the ESA would be the responsibility of the U.S. Fish and Wildlife Service, in coordination with appropriate state and local agencies. **The draft plans do not propose the actual reintroduction of the California condor to the NCAs.**

b. BLM draft plan pages 90 and 94 (*see also* pages 209 and 213) screenshots.

Management Actions	
<i>Population Management:</i>	
No similar action.	Authorize the reintroduction, translocation, and population augmentation of special status species populations into current or historic habitats in the NCA, in coordination with USFWS and UDWR, to assist recovery and delisting of threatened or endangered species and preclude the need to list other at-risk species. Monitor the long term success of population management actions and use Adaptive Management Strategies to improve desired outcomes.

Management Actions	
No similar action.	Authorize the reintroduction, translocation, and supplemental releases of California condors into historic habitats in coordination with USFWS.

2. OHV restrictions. The FAQ states that the draft plan does not close any areas to OHV travel, but OHV travel is significantly restricted by eliminating two open ride areas and changing the vast majority of BLM managed lands from a "limited to existing roads and trails" OHV designation to a "limited to designated roads and trails" designation. This will result in the *closure* of any road or trail that is not included in the BLM travel management plan as a "designated" road or trail.

a. BLM FAQ screenshot.

BLM travel management plan as a "designated" road or trail.

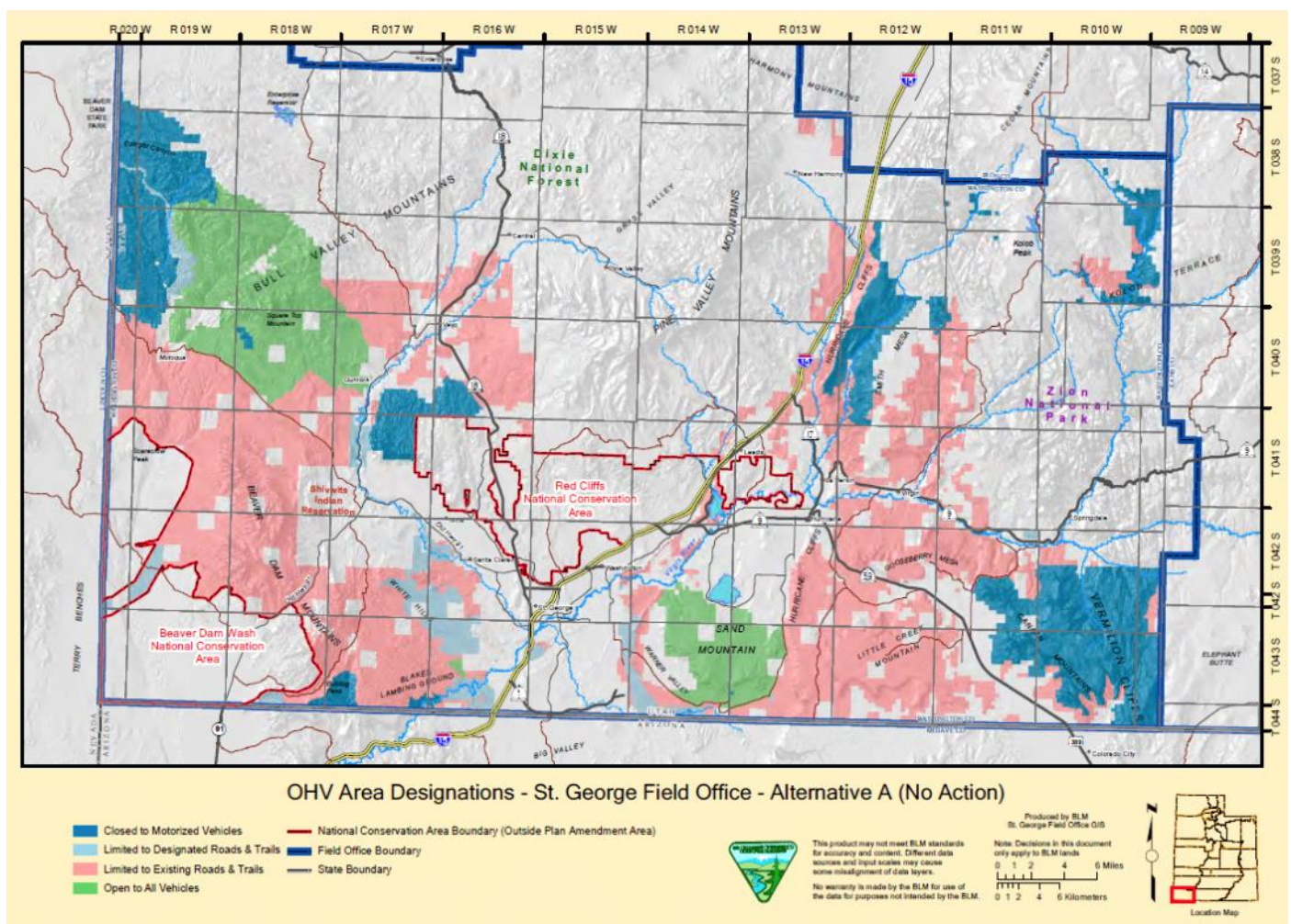
a. BLM FAQ screenshot.

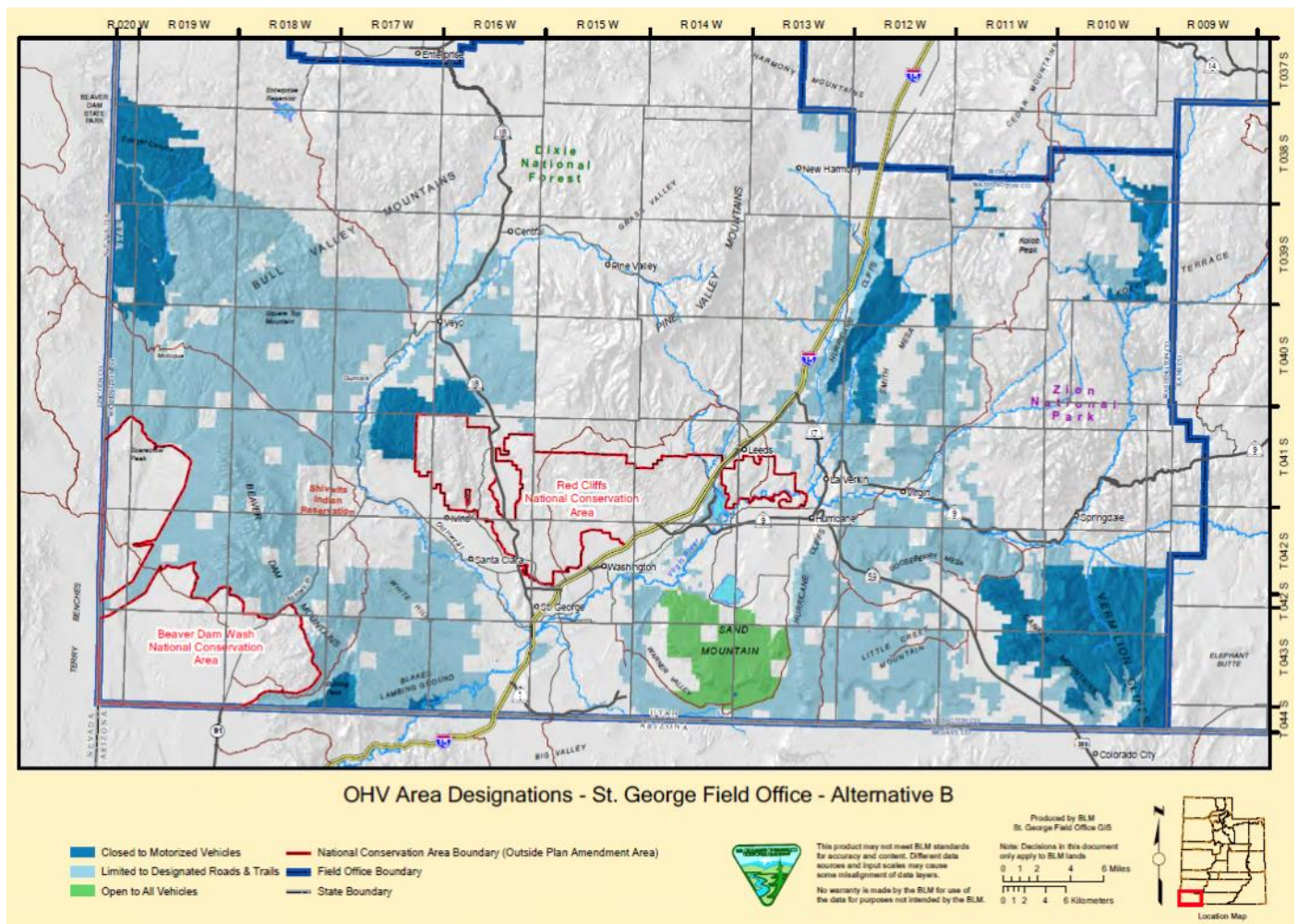
Would the Draft St. George Field Office RMP Amendment close any areas to OHV travel?

No. The BLM-Utah St. George Field Office currently manages two areas that are open to cross-country OHV travel—Sand Mountain and an area of northwestern Washington County sometimes referred to as "Gold Strike." In all of the proposed alternatives except Alternative A (No Action), the Draft RMP proposes to limit OHV travel in the Gold Strike area to designated trails because the heavily wooded, rocky, and mountainous terrain of the current "Open" area precludes safe cross-country travel. The Gold Strike area would not be closed to OHV travel -- under the proposed "Limited" designation, motorized vehicle travel would continue to be authorized on roads and trails that would be designated in the OPLMA-mandated travel management plan currently being drafted by the BLM. Under all alternatives, the Sand Mountain area would continue to be managed as an open play area with cross-country travel permitted.

In 2009, through the Omnibus Public Land Management Act of 2009, at Section 1972, Congress designated 15 Wilderness areas that are managed by the BLM in Washington County; at the time of designation, wilderness areas are closed by law to all motorized and mechanized vehicle travel, except for emergency access.

b. BLM draft plan pages 320 and 321 screenshot. The first map shows the current OHV designations and the second shows the OHV designations for BLM's preferred alternative. The colors on the maps have the following meanings: green is open ride; pink is any existing road or trail is open; light blue is only designated roads or trails are open; and dark blue is closed.





3. Northern Corridor Transportation Route. The FAQ states that the BLM satisfied the requirement in the Omnibus Public Land Management Act of 2009 (OPLMA) by "identify[ing] 1 or more alternatives for a northern transportation route in the County." However, OPLMA requires the route identification in the *travel management plan* (TMP)--yet to be completed--rather than the resource management plan (RMP) currently open for public comment. The only way for the BLM fulfill the statutory requirement to consider a northern transportation route in the TMP is to include a corridor designation allowing such a route in the RMP.

- a. BLM FAQ screenshot.

Did the BLM address the "northern transportation route" and Washington County's preferred alternative in the RMP planning process as required by the Omnibus Public Land Management Act of 2009 (OPLMA)?

Yes. OPLMA requires the BLM to "identify 1 or more alternatives for a northern transportation route in the County." In Alternative D of the Draft RMP for the Red Cliffs NCA (Table 2-68 and Map 2-46), the BLM proposes to designate a new utility and transportation corridor to accommodate all of the potential highway alignments that Washington County provided to the BLM for the "northern transportation route," including their preferred alignment. Under this alternative, the BLM could grant a right-of-way to allow the construction of whichever highway alignment is selected by the County. Under Alternative D, rights-of-way could also be granted for new utilities, water lines, and associated roads within this designated corridor.

- b. OPLMA Section 1977(b)(2) (as shown in Appendix A of draft plans, page 950).

(2) SCOPE; CONTENTS.—**In developing the travel management plan, the Secretary shall—**

(A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, **identify 1 or more alternatives for a northern transportation route in the County;**

4. Wilderness Characteristics. The FAQ states that BLM is required by law to maintain an inventory of lands

with wilderness characteristics. However, OPLMA states that a wilderness inventory is no longer required in Washington County. Usually BLM is required to maintain an inventory of lands with wilderness characteristics so that Congress can have a chance to determine which lands should be designated as wilderness and which lands should be released. (See 43 USC sections 1711 and 1782.) With the passage of OPLMA, Congress made that determination for Washington County and released all of the land that was not designated as Wilderness.

a. BLM FAQ screenshot.

Is BLM required to address Lands with Wilderness Characteristics in the Draft NCA RMPs?

Yes. The Federal Land Policy and Management Act (FLPMA) requires the BLM to maintain an inventory of all resources, including an inventory of lands having wilderness characteristics. Together, Red Cliffs and Beaver Dam Wash NCAs contain approximately 18,000 acres of lands with wilderness characteristics that were not designated as wilderness in the OPLMA. The Draft RMPs include a range of alternatives related to the future management of those areas. However, in the BLM's agency-preferred alternative (Alternative B) none of the 18,000 acres would be managed to protect wilderness character.

b. OPLMA Section 1972(c) (as shown in Appendix A of draft plans, page 943).

(c) RELEASE OF WILDERNESS STUDY AREAS.—

(1) **FINDING.**—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(2) **RELEASE.**—Any public land described in paragraph (1) that is not designated as wilderness by subsection (a) (1)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable law and the land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

B. Misleading Statements

1. Impact of water rights. The FAQ states that private, municipal, and state water rights will not be impacted by the proposed plans. However, the draft plans propose a fundamental shift away from coordinated efforts "to ensure that federal land management actions or practices do not jeopardize drinking water quality," (Alternative A.) to--for the first time--pursuing acquisition of water rights from willing sellers; not authorizing land uses that would export water from the NCAs to a municipality, and seeking to "obtain water rights on all inventoried point water sources (springs, seeps, wells, reservoirs, etc.)." (Alternatives B, C, and D. Emphasis added.) It is misleading to state that management actions to obtain or restrict water will not impact other water users in an arid area with limited water.

a. BLM FAQ screenshot.

Will any private, municipal, or State surface or ground water rights be taken or impacted by management actions proposed in the Draft RMPs?

No. In the Draft RMPs for both NCAs (Tables 2-2 and 2-37), the proposed acquisition of currently held water rights would only be from willing sellers and to benefit resource management. All proposed management actions related to water rights would comply with applicable State of Utah Statutes.

b. BLM draft plan pages 57 and 179.

Management Actions	
BLM will coordinate with local and state agencies as water protection plans are developed to ensure that federal land management actions or practices do not jeopardize drinking water quality. Meet the goals of the	Pursue acquisition of non-federal lands from willing sellers within the NCA that would benefit the conservation and protection of surface and groundwater resources.
	Pursue acquisition of surface and groundwater rights from willing sellers to benefit the conservation and protection of wildlife and improve aquatic habitats and riparian resources.
	Do not authorize land uses that would export water from the NCA.
	Work through the State of Utah's water rights system to ensure that BLM obtains water rights on all inventoried point water sources (springs, seeps, wells, reservoirs, etc.) for authorized

practices do not jeopardize drinking water quality.

Meet the goals of the Colorado River Basin Salinity Control Act by implementing administrative actions in this Plan and continuing to require the use of BMPs in areas of highly erodible, saline soils to reduce or prevent the movement of salts into drainages and waterways that flow into the Virgin River or its tributaries.

Work through the State of Utah's water rights system to ensure that BLM obtains water rights on all inventoried point water sources (springs, seeps, wells, reservoirs, etc.) for authorized beneficial uses of water within the NCA, including wildlife, recreation, domestic use within visitor facilities, and the improvement of aquatic habitats and riparian resources.