



CITIZENS FOR DIXIE'S FUTURE
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Utah Department of Transportation
John Njord, Executive Director
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Comments on the Proposed UDOT Feasibility Study For A Northern Corridor Parkway Through the Red Cliffs Desert Reserve

Dear Mr. Njord:

The purpose of this letter is to remind affected parties of the history of the Washington County Habitat Conservation Plan (HCP) and to strongly argue against further consideration of building a so-called "Northern Corridor" road in desert tortoise habitat located within the congressionally designated Red Cliffs National Conservation Area (NCA). This proposed highway has been studied and rejected repeatedly. As you know, UDOT and the Federal Highway Department considered a northern corridor route through the Red Cliffs Desert Reserve in the 2009 Environmental Assessment for the Red Hills Parkway, and it was eliminated due to concerns of the U.S. Fish and Wildlife Service where they stated that: *"a road would compromise the commitments on which the Washington County Habitat Conservation Plan (HCP) was based, is likely to compromise the biological integrity of the Upper Virgin Recovery Unit (already the smallest recovery unit), and may result in an adverse modification of designated critical habitat."*

We believe that building a northern corridor through the Red Cliffs Reserve and particularly the NCA severely undermines the purpose of the HCP which was established as a mitigation measure to offset harmful effects on the desert tortoise population and habitat due to development in Washington County.

The HCP was agreed upon because it was more acceptable than consulting individually with the U.S. Fish and Wildlife Service (USFWS) on every development proposal in tortoise habitat. Due to this agreement, development in, and subsequent loss of desert tortoise habitat in most of Washington County was permitted to continue because the Red Cliffs National Conservation Area was permanently set aside and protected. To build through that protected habitat now will encroach on the already limited habitat of the desert tortoise and put into question the contract agreed upon years ago.

On a national level, HCPs have been an effective tool in the management of federally listed species. To discard all or portions of the successfully working Washington County HCP at this point creates a disturbing precedent for the 400-some odd HCPs nationwide. It may also lead to the revocation of Washington County's "incidental take permit" issued under the Endangered Species Act and could preclude nearly all future development in desert tortoise and other special status species habitat in the county. This would have devastating impacts on Washington County, because it is home to approximately 40 special status species.

The proposed northern corridor, if built through the Reserve or the NCA, will fragment the desert tortoise habitat in, and negate the value of, the Reserve and the NCA. Physically splitting the tortoise habitat into two parts with a road and tortoise fences would also separate the population into two portions, lessening genetic interchange. If the road is built the tortoise will be further adversely impacted by light, noise, vibration, vehicle traffic, and air pollution impacts. Previous tortoise viability analyses would be rendered moot.

In addition, to create the Red Cliffs Reserve, and the NCA, numerous land exchanges have taken place at the cost of tens of millions of dollars. The money spent was to be used for conservation purposes and came from the federal government mostly through Section 6 of the Endangered Species Act. Some Land and Conservation Fund monies were also spent. If the NCA were diminished, would the taxpayers of Washington County have to reimburse these funds? It also needs to be pointed out here that land acquisition for road construction is not a legitimate conservation purpose.

In this time of tight government budgets we are concerned with UDOT using Federal funds to pay for a study that will undermine previous decisions made by Federal agencies, specifically BLM and the U.S. Fish and Wildlife Service, to protect desert tortoise habitat in the Red Cliffs Desert Reserve and the Red Cliffs National Conservation Area. Furthermore, building a road through the protected desert tortoise habitat could potentially result in the USFWS issuing a jeopardy opinion, which would surely slow future economic development in Washington County. As our local economy is already severely depressed, this is not the time to slow economic growth further.

We believe that building a new northern corridor would use up land needed by the desert tortoise and also believe this goes against the land exchange agreements made to establish the reserve. If this much land is taken from the reserve for a road it would be necessary to add equal valued tortoise habitat from elsewhere in Washington County to the Red Cliffs Reserve in order to compensate for the loss of habitat caused by constructing the proposed road. It is doubtful, however, that such equally valued mitigation habitat exists in Washington County.

In addition, the proposed northern corridor would also be unwelcome to many citizens who view, hike, horseback ride, etc., in the Red Cliffs NCA and Reserve. Many fought hard to get it established and do not want to see their efforts lost. In a similar light, most property owners adjacent to the Red Cliffs NCA and Reserve, especially those who recently bought high value land on the north end of Washington City, do not want to see their property values go down further due to being next to a busy roadway. Many were assured when they bought their property that no roads or highways would ever adversely affect the property because the NCA and the Reserve was a protected area.

In the Omnibus Public Land Management Act of 2009 (Lands Bill) there is a provision for BLM to do a comprehensive Travel and Transportation Management Plan, in accordance with the Federal Land Policy

and Management Act (FLPMA); the Secretary of Interior in consultation *with appropriate Federal agencies*, State, tribal, and local government entities (including the County and St George, Utah), *and the public*, identify 1 or more alternatives for a northern transportation route in the County. The language in the Lands Bill does not, by any reasonable interpretation, require the northern corridor to be built. All it requires the agency to do is to “identify (or name) 1 or more alternatives for a northern transportation route in the County” in consultation with agencies, local entities, the State, tribes, and the public in development of the BLM’s Travel Management Plan. The Lands Bill does not require BLM to designate a northern transportation route in the Transportation Management Plan.

The Lands Bill is also unambiguous and clear in establishing the Red Cliffs National Conservation Area. The purposes are 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 listed as a threatened or endangered species. This NCA designation to protect the habitat for desert tortoise is paramount and adds a strong layer of federal land protection. Ultimately any decision to proceed with a northern corridor will be made by BLM, the land manager of the NCA, in close coordination with the USFWS, the agency responsible for federally listed species, and in consultation with the other entities named previously.

If UDOT proceeds to study the feasibility of a northern corridor route, we suggest that it should look at more than just traffic needs and projections and take into consideration the reasons why in 2006 seven members of the Habitat Conservation Advisory Committee voted unanimously against allowing the northern corridor.

In conclusion, the HCP process under the Endangered Species Act has generally worked well in Washington County up to this point and provides a win-win scenario. Proceeding with planning for the proposed northern corridor in important desert tortoise habitat, especially in designated critical tortoise habitat, is renegeing on previous agreements and responsibilities by Washington County to preserve the existing HCP. The effect nationwide of Washington County breaking its promise to preserve a large block of desert tortoise habitat as an HCP is hard to evaluate, but could have widespread ramifications and could lead to lengthy and expensive litigation.

Thank you for consideration of our comments. Please feel free to contact us for further clarification.

Sincerely,



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cc:

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U.S. Senator Mike Lee

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Red Cliffs NCA Manager, Dawna Ferris

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USFWS Desert Tortoise Recovery Coordinator, Roy Averill-Murray

Utah Division of Wildlife Resources, Jim Karpowitz

Washington County Commission

Red Cliffs Desert Reserve Administrator, Bob Sandberg

St. George Mayor, Dan McArthur

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