

The Proposed Long Valley Road Extension through the Warner Ridge/Fort Pearce Area of Critical Environmental Concern (ACEC)



The Long Valley Road connects the Washington Dam Road to the Southern Parkway at milepost 15, and then continues south as a primitive dirt road, dead-ending near SR-7 milepost 13. The land along the primitive road was exchanged in 2017 as part of a set of transfers between BLM, local governments and a real estate developer to remove private “inholdings” in Red Cliffs NCA around the proposed Northern Corridor Highway.

Development of a 2,000-home community on the land has begun. A second access is required, and extending the road to an interchange planned by UDOT at the Parkway’s milepost 12.3 would provide it. Washington City, which annexed the area, is sponsoring the project.

The problem: The road would cut through the Warner Ridge and Fort Pearce Area of Critical Environmental Concern (ACEC), established in 1999 to protect threatened and endangered species. If the planned interchange was moved to milepost 12.3 to 13, the ACEC could be avoided, providing a better and cheaper solution.

CSU suggested that alternative when the proposal was revealed for public comment last fall. It struck us as another case like the Northern Corridor – unnecessary destruction of protected lands when better alternatives exist. BLM dismissed our alternative, offering no sensible reason, and we filed an appeal with the Interior Board of Land Appeals (IBLA). It appears that construction will not be delayed for the appeal to process. If IBLA rules in favor of CSU, which we believe is likely, remedial action may be required. It’s been recently discovered that neither the BLM nor Washington City took the issue and our proposal to UDOT or the developer, and it appears that both may have agreed to it had they been approached.

A description of the issues and related maps and photos follows.



Dawn on the ACEC along the Southern Parkway near milepost 14
Photo by Carl Berger, Sr., on Flickr.

Timetable and References (“right-click” on underlined text to access references)

BLM trades land to Brennan for Red Cliffs NCA inholding	2017
Brenan sells to Horton, Washington City annexes	2019
BLM releases Draft Environmental Assessment (EA) for comment	Sept 29, 2020
CSU submits comments	Oct 28, 2020
BLM dismisses comments, issues Final EA and Approval	Nov 10, 2020
CSU submits Notice of Appeal to Interior Board of Land Appeals (IBLA)	Dec 14, 2020
CSU submits appeal Statement of Reasons (SOR)	Feb 22, 2021
BLM submits Answer to SOR	Mar 24, 2021
CSU submits final appeal documents (Reply to BLM SOR Answer)	April 7, 2021
IBLA rules on Appeal	Unknown
Planned tortoise survey & removal from road right-of-way (ROW)	April 2021
Initial road development and utility installation in ROW	Spring 2021

Long Valley Road Extension Issues (reference maps and photos follow)

CSU claims (see references linked on the previous page) that Washington City and BLM violated federal laws by not considering a viable alternative that would avoid damage to the ACEC and cost less while also being a better traffic solution (a case much like the Northern Corridor).

BLM states that (a) the topography precludes locating the interchange, (b) it has no jurisdiction to consider the alternative at the location CSU suggests, and (c) CSU hasn't proven the CSU-preferred site would be cheaper. In its appeal, CSU rebuts those reasons:

- a. The maps, photos and drone video on the following pages clearly show no significant topographical difference between the two sites.
- b. The site suggested by CSU is managed by the BLM and they have jurisdiction to approve an action on it and BLM has a duty to request the applicant (Washington City) explore with UDOT moving the location of the planned interchange to it, and BLM has a duty to protect the ACEC if possible.
- c. There is no logic arguing that a much shorter road (and utility connection) could be more expensive.

It appears that the primary reason for not considering CSU's alternative is that it does not align with current transportation planning, and BLM inappropriately and unnecessarily defers to those plans, even at harm to the ACEC, and Washington City prefers to not pursue a change to the plan. UDOT confirmed (see [Spectrum article](#)) they have not been contacted to consider moving the planned interchange and offered no reason it could not be moved. Horton, the developer, confirmed they had not been contacted by Washington City about the issue and the alternatives, and indicated the alternative appears to be a better solution for them, but also indicated it would impact their schedule (at considerable cost) to address it now.

Questions asked of Washington City and the BLM, both of which have refused answers [CSU's assumed answers are shown in italics]:

1. Was it known when the Brennan exchange was negotiated that a right-of-way through the ACEC would be required? If so, was it publicly announced so alternatives could be considered, and if not, why not? [*We suspect it was known and not announced.*]
2. Was a change in the location of the planned interchange pursued with UDOT and if so, why did they reject it? [*UDOT confirmed they were never asked.*]
3. What specifically are the topographical issues with moving the planned interchange location? [*There are none.*]
4. Why would the CSU-proposed location for the intersection not cost much less? [*It appears it would cost significantly less.*]
5. When is the interchange needed, why, and what is the design? [*It appears it's not needed for a year or more.*]
6. If the urgent need for road construction now is to provide utility access for the development, why is there no other location to access utilities? [*Sewer access is the driver. Another access could have been designed if the developer had known of the issue earlier, when CSU's alternative was proposed.*]

Long Valley Road Extension

How did this happen?

A guess....since the controlling parties (BLM and Washington City) won't say.

The Parties

1. Washington County – sets the tone for environmental protection in the county
2. Transportation planners (UDOT and perhaps the DMPO) – planned the SR-7 interchange location; could have considered a relocation if requested
3. Washington City – sponsored the road through protected land, with no evidence of considering alternatives
4. BLM, St George Field Office – traded land to Brennan and approved the access road through protected land without properly considering alternatives
5. Brennan Holdings, owned Red Cliffs NCA in-holdings, traded for this land, sold to Horton
6. D H Horton, developer of The Trails at Long Valley community on the land, with apparently no knowledge of the issue until recently reading about it

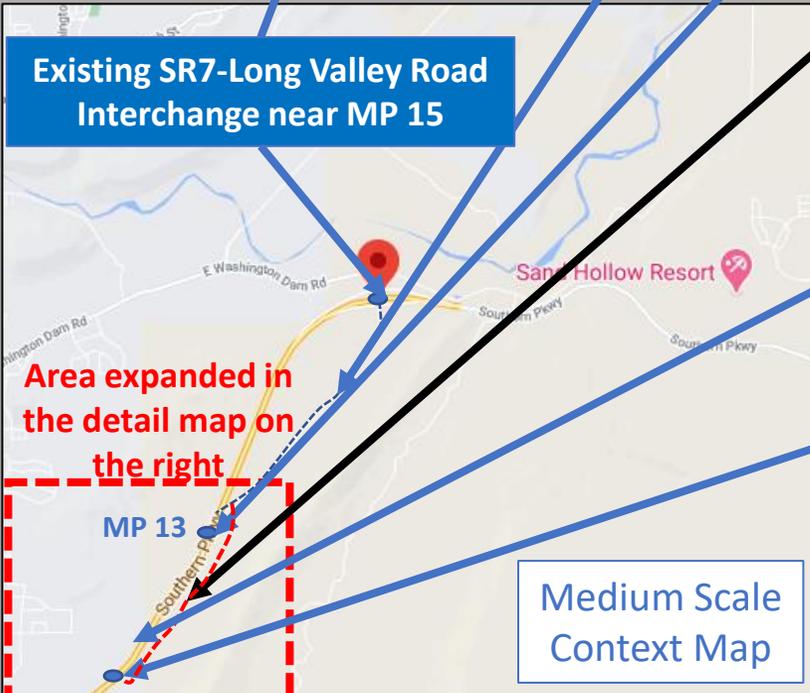
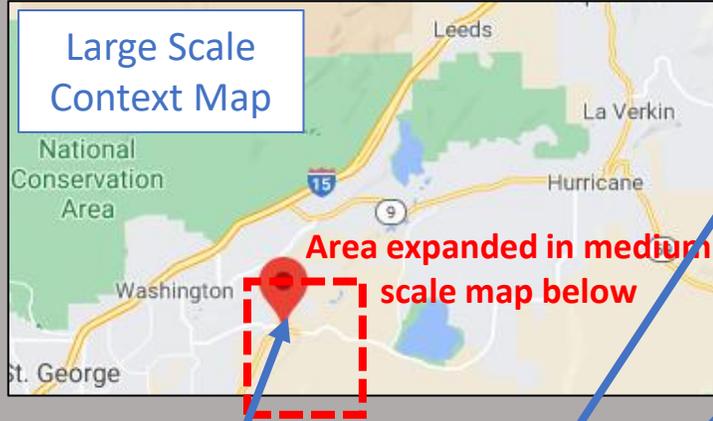
The story begins with Brennan Holdings ownership of land within the Red Cliffs NCA. BLM is required to trade or acquire such inholdings. It's unknown when or why Brennan acquired this land, how it was evaluated, how the parties engaged in the trade for the previously BLM-managed Long Valley property, how much profit was made in its sale, or what was considered in planning the interchange location and timing of the construction.

The planned interchange location is outside BLM-managed land, with rapid growth occurring to the west, but with no apparent access, or need for access, from the east through the ACEC. That changed with consideration of the land trade, but apparently neither BLM nor Washington City considered asking UDOT to move the location to avoid the ACEC. Why? It appears it was easier for them to violate the ACEC than to open discussions with UDOT and Horton.

The chances were slim that the public would notice the violation of environmental law in granting the right-of-way through the ACEC. No announcements of the trade or the development in the news mentioned the plan to violate an ACEC. The first notice was the release of the Environmental Assessment (EA) for a short 30 day comment period last fall, with a very short time allowed between approval and planned start of the development. The extension of the road through the ACEC was granted with the lowest level review (the EA), with insufficient information – no clear maps, no alternatives analysis, no evidence of justification. BLM and Washington City have effectively denied any discussion of the alternative.

The time is now so short that our appeal may not be heard in time to reverse the decision and re-assess alternatives. CSU is left with the difficult decision to request an emergency stay or injunction to stop the construction, something nobody wants to have happen.

The Long Valley Road Extension Context and Detail Maps



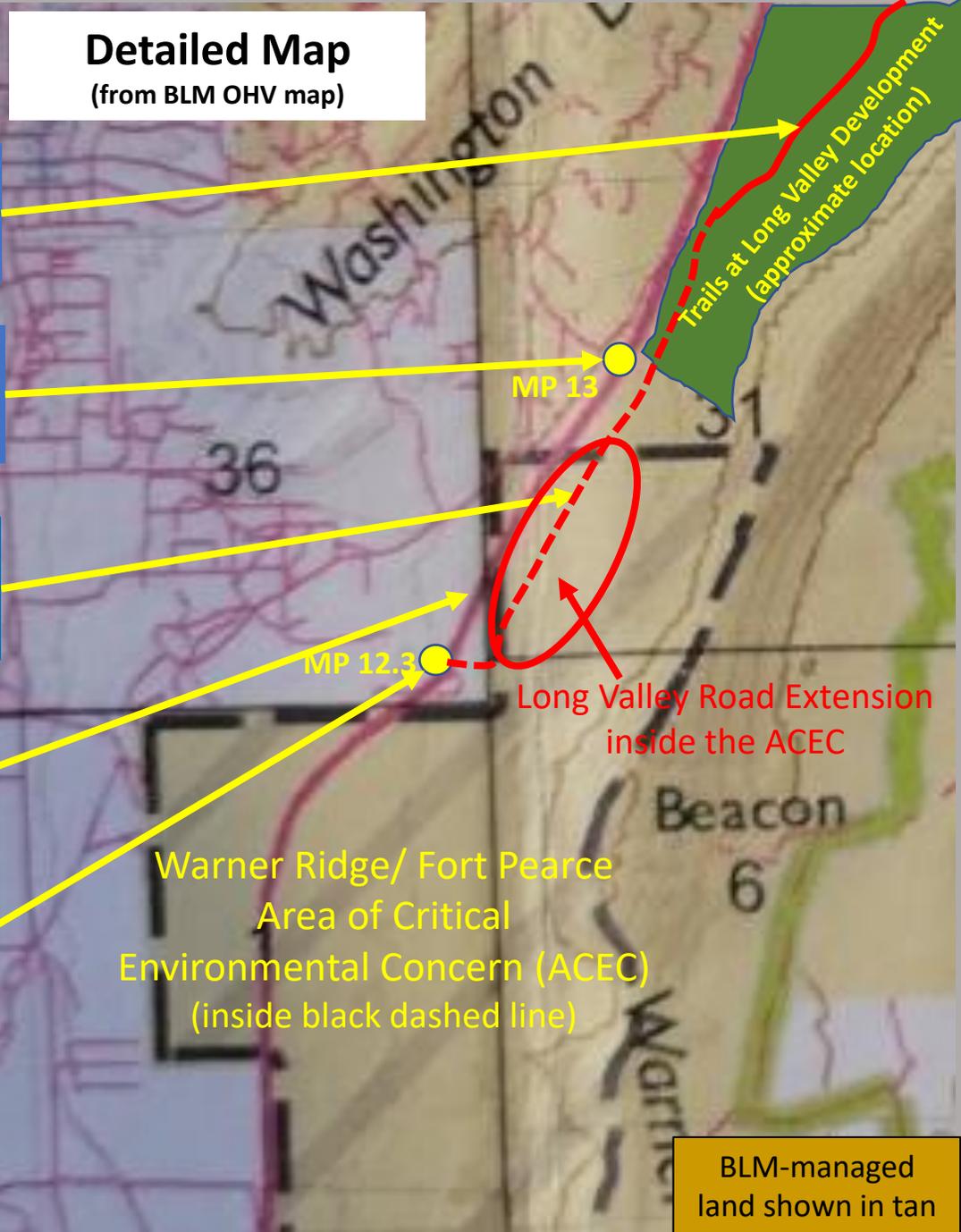
Long Valley Road (existing, currently primitive, shown in thin red line)

CSU Proposed Alternative Location for New Interchange (see photos 1 and 2)

Planned Long Valley Road Extension through the ACEC (2nd access to development)

SR-7 Southern Parkway

Planned New Interchange Near MP 12 (~12.3) (see photo 3)



Long Valley Road Extension Area - topography

Observation: the topography around the interchange position proposed by CSU near MP 13 is not substantially different than that around the planned interchange position near mile-mark 12.3

Existing SR7-Long Valley Road Interchange near MP 15

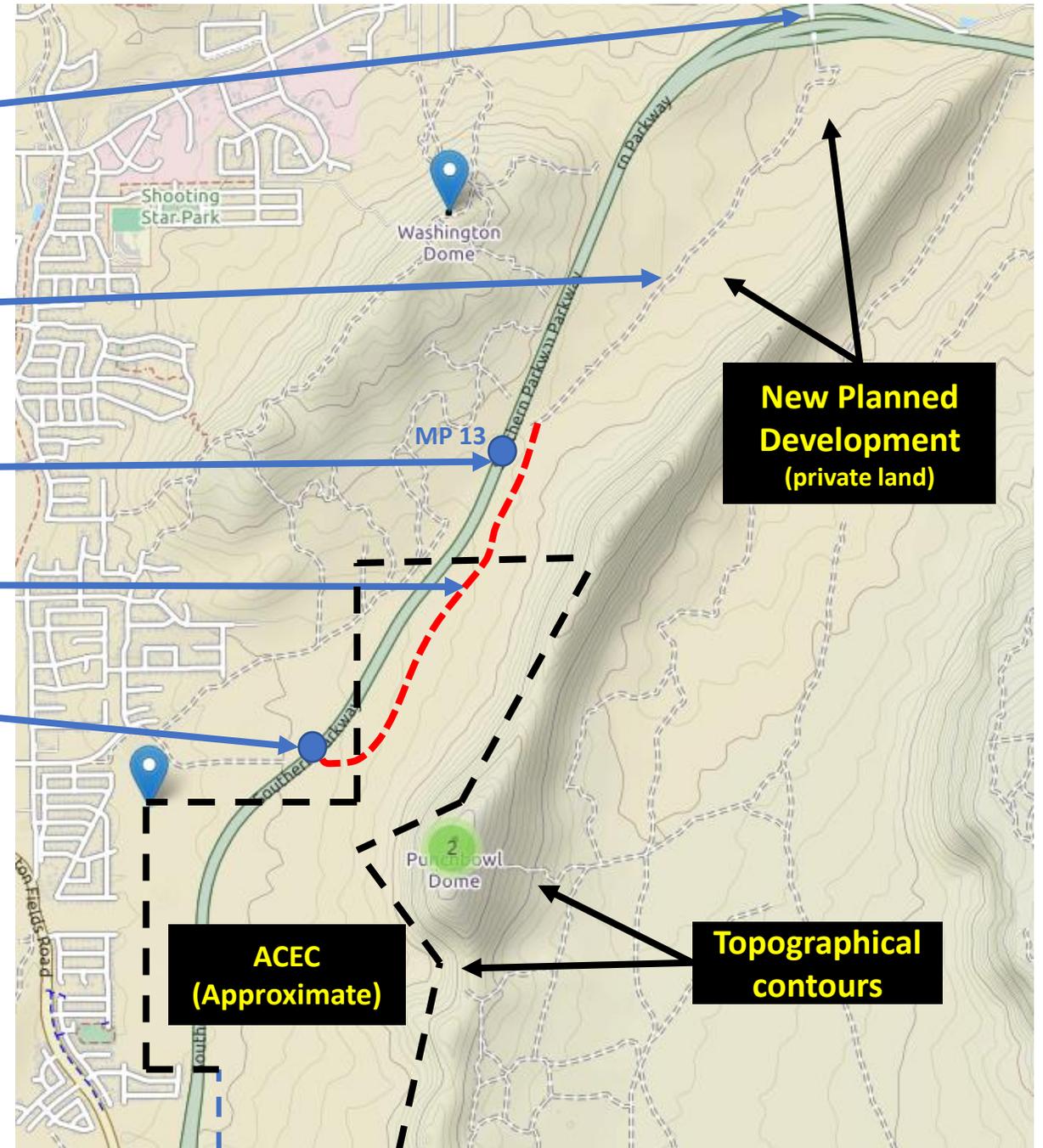
Long Valley Road (existing, currently primitive)

CSU Proposed Alternative Interchange Location Photos 1 and 2

Planned Extension to the Long Valley Road In the ACEC (approximate)

Planned SR7 Interchange near MP 12 (mile mark ~12.3) Photo 3

Note the absence of major topographical contours along SR-7 and possible interchange locations, indicating flat topography



**Map 2: Detail of the Proposed ROW
Extending Long Valley Road
to the Planned Interchange near MP 12
(based on EA Figure 1)**

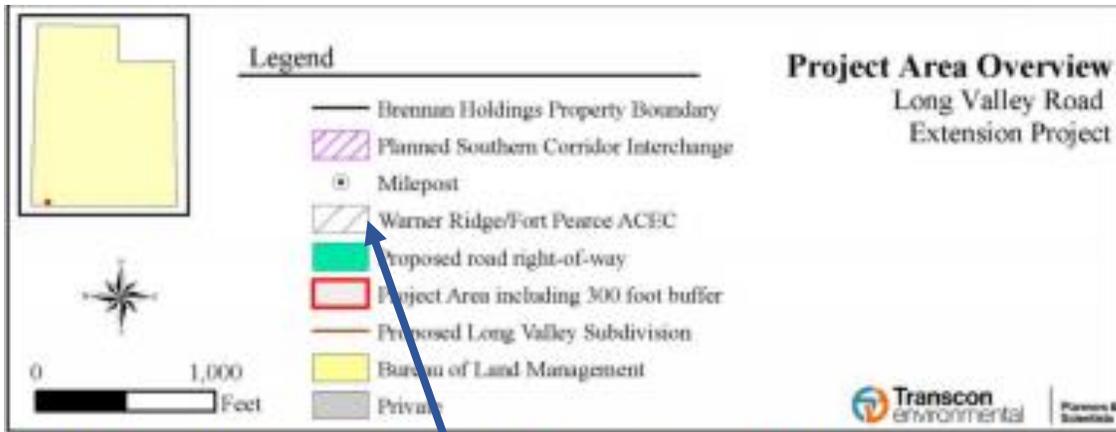
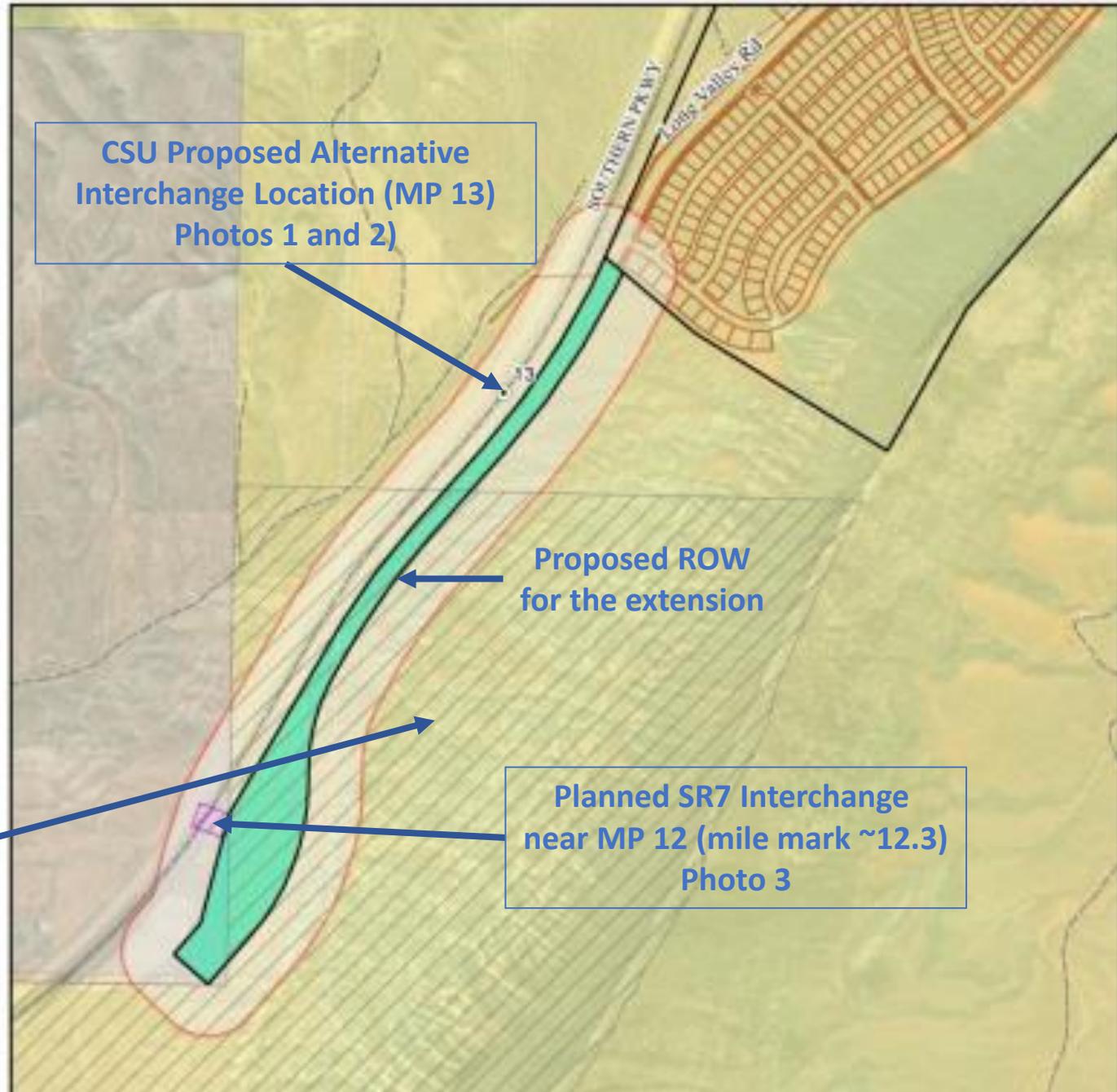


Figure 1. Project area overview map. Depicts the project area including the proposed ROW and buffer area, the Southern Parkway, and the planned Trails at Long Valley subdivision



**The ACEC
(striped area)**

* Planned interchange MP identifier corrected from EA Comments

**Photo 1, looking south at SR-7 Milepost 13
CSU's proposed location for the Interchange of SR-7 and the Long Valley Road**



**Photo 2, looking north at SR-7 Milepost 13
CSU's proposed location for the Interchange of SR-7 and the Long Valley Road**



**Photo 3, looking north at SR-7 Milepost 12.3
Planned location for the Interchange of SR-7 and the Long Valley Road**



[Link to Drone Video](#) showing topography of subject area

The video starts at mile mark 12 on SR-7/Southern Parkway (just south of the currently planned location of the interchange joining the extended Long Valley Road with SR-7 near mile-mark 12.3, through the Warner Ridge/Fort Pearce Area of Critical Environmental Concern (ACEC)) on the east side of the highway, heading north along the Parkway, showing the area currently approved as the right-of-way for the Long Valley Road Extension. In this area, the Southern Parkway also routes through the ACEC (refer to the maps).

At the 1:00 minute mark in the video, at mile mark 13 (the location identified by CSU as a more suitable alternative since it serves the planned development better, at less cost, avoiding all damage to the ACEC), the view (rather abruptly) reverses direction, and traversing the landscape looking south, also on the east side of the Parkway.

The video clearly shows the reasons presented by BLM for not considering the alternative (that it would be impossible due to topography) is invalid: the topography is relatively consistent along the entire area.