

September 17, 2021



To: Bureau of Land Management
Attn: Ivins City R&PP
345 East Riverside Drive
St. George, UT 84790

Submitted via the [eplanning website](#) and email (see [recipients](#))

**Subject: Conserve Southwest Utah’s Comment on the Ivins City R&PP Draft EA
(DOI-BLM-UT-C030-2021-009-EA)**

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Conserve Southwest Utah Organizational Background

Conserve Southwest Utah is a 501(c)(3) local grassroots non-profit environmental conservation organization founded in 2006 focused on Southwest Utah and Washington County in particular. Our mission is to advocate conservation and stewardship of our area's natural and cultural resources and advocate the implementation of the Smart Growth policies that enables conservation for the benefit of present and future generations. We strive to develop positions that are science- and fact-based, valuing the long view and humans as part of nature and stewards of it.

Issues and Comments related to this EA

Our comments and issues are of 2 classes:

- Those that are systemic, evidenced in every NEPA process – every EIS and EA in which we have engaged – and that are also evidenced in this one.
- Specific technical issues with this EA, most of which exemplify the systemic issues.

1. Engaging Diverse Public Lands Management Policies

CSU's Position on Public Lands Management

Our position is that public lands (i.e., federally managed public lands), especially those specifically designated as “protected” public lands (e.g., national parks, monuments, conservation, recreation areas; areas of critical environmental concern, wilderness areas, reserves) should

- Remain federally managed, since it should afford a long-term and broader perspective, less driven by short-term conditions prioritized by state and local government
- Be managed according to their designation/purpose, and that those designations should trend toward more environmental protection/conservation rather than less, considering the general degradation resulting from past and projected future environmental stresses.

CSU's Perspective on Public Lands Management in Utah and Washington County

The state of Utah has actively pursued the transfer of public lands to state and local governments, prioritizing development over long-term conservation, and while enabling economic gain for some, this has resulted in environmental degradation, loss of species, and a decrease in the quality of life for most people, particularly future generations who will not have access to the same resources due to the aforementioned reckless planning and consumption. This pursuit is supported by many local governments, including Washington County and its cities, which, in our opinion, reflects an imbalance favoring short-term economics at the long-term expense of environmental quality, species habitat, and quality of human life. It appears that BLM decision-making is biased to support local government proposals, driven by pressure on budgets and careers. These proposals and decisions are at times made despite long-standing environmental laws prohibiting them, which require citizens to pursue procedural and legal challenges to reverse such unlawful decisions.

At the same time, state and local governments resist engaging citizens in fact-finding and consideration of alternatives. In this case, if alternatives were considered outside the SCRR, they and their analyses have not been made available to the public (or apparently to BLM). By the time a proposal becomes generally known, it is extremely difficult to change

the proposed solution, even when better alternatives are defined. This is leading to long-term environmental degradation that will impact both present and future generations which cannot be easily resolved nor financially rectified.

We don't question intentions and assume all parties are trying to do what they think is best, but we do question the balance between the primary relevant factors in such decisions: (1) current economics/growth and (2) the quality of life for current and future generations, conservation of the environment, the value of other species, and the identification of possible/likely consequences of the proposal. The processes currently in place for making such decisions do not encourage, nor even enable, the incorporation and understanding of different perspectives and relevant problem-solving that supports such opinions in decision making. Quite the contrary – the current processes exclude diverse opinions, cause division, and disable collaborative problem-solving.

Comment 1: Seeking Solutions that Respect Different Public Lands Management Perspectives

There are different positions concerning public lands management policy, processes, and decisions. Decisions that are not transparently based on solid analysis, where alternatives and assessments cannot be openly discussed, lead to contention and division. We're very interested in discussing BLM and local government perspectives on policies, positions, and processes related to public land use proposals, alternatives analyses, public engagement, and decision-making; and in understanding differences and perhaps resolving some of them. This is not just a local problem, as is evidenced across Utah and the nation. Our invitations to engage in these discussions with local governments have been largely ignored. Is there a way BLM can foster and engage these discussions to address the general case rather than spending so much energy and causing such conflict on each case like this one?

2. Our Understanding of the Facts Pertinent to the Ivins Proposal

- The Santa Clara River Reserve (SCRR) was established in an agreement between BLM and the cities of Santa Clara and Ivins to protect open space (which we interpret to include habitat), cultural resources, and recreational opportunities. See reference 3 ([BLM SCRR brochure](#)) and we assume reference 4 (SCRR Management Plan), although it could not be found.
- The land proposed for transfer to Ivins contains ESA-listed species. These species have been continually in decline throughout the county due to habitat destruction and other human activities. Many impacts to habitat on public lands have been approved by the BLM at the request of local governments specifically in protected areas (the Northern Corridor Highway in Red Cliffs NCA, the Long Valley Road Extension in the Fort Pierce/Warner Ridge ACEC), including several in the SCRR (the network of hiking/biking trails, water storage, and another city park).
- Ivins is surrounded by the Red Cliffs NCA, the Shivwits Reservation, St George, Santa Clara, and the SCRR, with limited (or no) opportunities for geographic expansion. Its fast growth is driven by the attraction of beautiful public lands offering vistas and recreation. The city (and the whole county) is challenged by

the lack of affordable housing, but not by the lack of outdoor recreation. It has been the city's choice to not plan and provide more land for parks, cemeteries, public works facilities, and affordable housing purposes; or perhaps it was an assumption that public lands are available, free for the asking, so planning infrastructure development within the city's boundaries was not necessary. It seems that the proposal to use public lands for these purposes is due to a lack of planning and funding for city infrastructure, either purposely or not. It's cheaper to get free public land than to buy private land which has increased in value due to the city's development policies.

- The [SGFO RMP](#) (ref 4) identifies lands available for lease or transfer to local governments. The SCRR is not identified as such, however, the RMP also states that just about any public land can be given to a local government.

Comment 2: Clear and verifiable context for a proposed land use

Please identify and explain any errors in our understanding of these points. Even if BLM deems the answers are not pertinent to the EA, they are pertinent to citizens.

3. Public Engagement

In response to our comments on the Long Valley Road Extension EA, BLM SGFO has agreed verbally to engage the public early via the “scoping” process of future proposals impacting public lands (especially those that involve lands specifically designated for protection, such as the SRCC). The chance to allow such public involvement in scoping had already passed for this EA, and we received the informal warning at about the same time the EA was released for the very short public comment period. This time allotted for public comment is insufficient for fully understanding the proposal, the context, the impact analysis, then to determine issues, explore alternatives, engage experts and other citizens. This impacts the ability to present a timely and professional set of comments and potential issues with the project, especially when so little reference information is provided in the EA. Just like BLM staff, citizens interested in public lands also have plans and commitments that cannot easily be dropped in order to jump into a technical review with no prior warning.

Even so, engaging in the scoping process generally has little or no impact on decisions, since the local government has at that point already framed their problem and their solution and presented it for BLM approval. For complex and potentially controversial proposals, there may be months or years between the initial formation of the proposal and a public announcement for scoping comments. Any issues found at that point already face the local government's momentum and resistance, and the window of opportunity for honest and open consideration of alternatives to resolve potential issues is long past. There are many local examples of this process shortcoming, all well known to BLM and local government, yet there has been little or no response to address the issue. This inadequate process causes unnecessary division, conflict, expense, delay, and poor decisions.

CSU has made attempts to engage local governments in policy discussions concerning land use planning over the years. Vision Dixie was successful at bringing local government officials and constituents together to map growth policies that would also enable environmental conservation while balancing the needs of a growing community and economy. Principles were agreed to, but local governments did not follow through with the

implementation of Vision Dixie goals, apparently ignoring constituent concerns and desires. The result is sprawl, environmental degradation, habitat destruction, continued pressure by local governments to chip away at protected lands, and housing that is unaffordable for many. This direction erodes the economic vitality and the quality of life for Washington County residents. This proposal from Ivins is another step in the wrong direction.

The rationale for local governments' proposals and BLM's decisions are often not presented and critical questions from the public are often not answered. For example,

- When asked about Northern Corridor alternatives outside the NCA, officials stated that they had analyzed such alternatives and that such alternatives failed to provide the necessary traffic relief. When asked to provide the analysis, the request was denied. Yet when BLM considered alternatives in the EIS, they were found to be superior solutions. When asked to explain the rationale for the preferred option, the request was denied or ignored.
- In the Long Valley Road Extension's draft EA, BLM stated there were no alternatives considered due to topography. When we showed that there were no topographical issues in the area and provided an alternative that did not disturb the ACEC, the BLM ignored the issue and approved the EA.
- In this case, there was no reference in the EA about which alternatives Ivins considered, and how their analysis dismissed them, and there is no evidence of BLM's inquiry about alternatives.

This lack of engagement undermines the purpose of the process, discourages public engagement and fosters distrust. Appeals to IBLA and federal lawsuits cannot be the only answer.

Comment 3: Improving Public Engagement Processes

Public engagement early in the process would help. The informal agreement by the SGFO to enable public engagement in the scoping process for all proposals affecting specially designated public lands is a very good step, but even then, it is often too deep into the process.

- Can we be notified when a proposal is submitted to BLM? There is no apparent ability for the public to request notification of a proposal's change in status. Instead, it takes constant (and impractical) monitoring of the [eplanning website](#). Even then, it's not clear if proposals are even listed.
- Can BLM explore the idea of a "sign-up" for notices with certain parameters (like the [state's public notice website](#))? For this EA, when did BLM first hear of the proposal from Ivins, and in what form was it presented?
- Can BLM facilitate public dialog with the local governments to reach understandings and perhaps even agreements on perspectives, policies, and processes to augment the formal and often adversarial NEPA process?

Comment 4: Easing the Difficulty of Research and Commenting

This EA, like most others we've seen, mentions and quotes several sources upon which the assessment is based. None of them are electronically linked in the document and many of them are very difficult and time-consuming to find. Once found, they are very difficult to navigate without an "active" table of contents

and/or page number reference. Just quoting an isolated text in a source is insufficient for a public review process. Context is important. Can BLM provide electronic links and navigation coordinates for references as a matter of practice?

EAs are generally published in a format that does not enable commenting in the context of the EA. [CSU loaded the EA pdf into a Google-drive, converted it to a Google-doc in order to add comment/issue notes, which were then used to organize a Word document for our comments, which was then converted to a pdf form to send to BLM. It's very difficult to indicate where specifically in the EA our issue arose. Pretty inefficient.] This makes it very difficult to make notes on issues as they are discovered by the reader, adding to the burden of public review. Can BLM provide or suggest a format or process that enables commenting in context?

Comment 5: Scheduling of Public Engagement

In the case of this EA, it appears the Ivins proposal was formalized in 2018. It may have been announced to BLM long before that as issues and solutions were discussed internally. And then BLM took until late August 2021 to inform the public, and gave them 3 weeks to research, consider alternatives and technical issues, and submit comments and issues, which are generally summarily dismissed, with little explanation or opportunity to discuss and rebut. This appears to be designed not to increase process efficiency but to limit public engagement. It would be much, much more efficient for the public to engage in identifying alternatives at the very earliest time, rather than at the very latest time, when consideration is extremely difficult. We can provide many examples, although BLM surely knows them. Please engage the public in the early stages of the proposal and allow as much time as you would allow yourselves to research, propose alternatives and make suggestions. Can you imagine being given 3 weeks to provide professional comments on this EA when it is dropped on you with little notice, when you already have a fully committed work schedule? It's worse for the public.

4. Purpose and Need

BLM's concept of a "purpose and need" statement, as exemplified in many recent NEPA process instances, is perplexing. It appears that BLM takes no responsibility in determining the validity of the proposal, that is, BLM assumes the applicant has performed a proper alternatives analysis and has determined that the only alternative is a solution that involves public lands. This seems inherently incorrect, against the public interest, and ripe for challenge.

The proposal's origin is not described in the EA, but a superficial search of Ivins city council meeting minutes indicates the first mention was 4 years ago ([8-17-2017](#) and [9-20-2017](#))

- There was a concern about space at the city's public works facility
- The city asked a general question of the BLM about the R&PP land grants, and that BLM indicated "the property was available"
- The city had at least an initial impression that the property was not within the SCRR

This background may be incomplete and even incorrect in places, due to the short time allowed to the public for this research, but it should not be left up to the public to research and verify the origins of the city's purpose and need. In this case, it could be construed, or even misconstrued, that there was free land declared available that perhaps should not have been, and that the purpose was expanded from the initial need, perhaps because that initial need would not have been allowed. It's all just not very transparent in the EA.

Comment 6: Transparent Verification of the Purpose and Need

Is BLM prohibited from verifying the applicant's stated purpose and need? Is it prohibited from engaging the public at that time to help drive a proper alternatives analysis? If not, why is it not done, and how can it be corrected? If BLM declared this land "available", what criteria were used, and how was the public involved in that declaration, and where else can this happen?

5. The Technical Analysis Process

From our limited participation in the analysis of recent proposed actions in Washington County, it appears that this is the general case:

- The local government applicant and BLM generally do not retain the expertise on staff to identify and analyze appropriate alternatives to satisfy, or perhaps to even appropriately define, the purpose and need for a proposed action that would impact public lands.
- Instead, the local government applicant contracts with a private firm to provide that expertise. BLM does not have the funds, and/or is not afforded the time in the process, to independently contract these services.
- By that time, the local government applicant has already made clear that action on public land is preferred, and the acceptable alternatives to be analyzed by the contracted firm have already been effectively constrained.
- This process/convention does not serve the public interest in that potentially superior alternatives are omitted from the analysis process because they have been excluded by local governments for reasons that are not disclosed.

Comment 7: Contracting technical services

Please correct any misconceptions we have of the technical analysis process. If our observations are generally correct, it appears the public interests would be better served if BLM were to contract the technical expertise, in addition to or instead of the local governments, to enable a more transparent and unbiased identification and analysis of alternatives. Any such resulting analysis, upon review by BLM, the applicant and the public, would reveal the competency and independence of the analysis, and could then influence the awarding of future contracts to the consultant. Please explain if and how this approach would not be appropriate or feasible.

6. The Proposed Site's Geographic Context: Location, Scale and Access

Understanding the exact location and the scale of impact was very difficult to determine from the EA. Maps did not readily reveal the context of the location relative to landmarks, the SCRR's full boundaries, other approved or proposed development incursions into the SCRR, and the SCRR management zones (or definition of those zones). The BLM SCRR

brochure states its size is 6500 acres and the EA states it's 9,000. The proposed impact area is about 100 acres per EA. The size and nature of previously approved impacts are not referenced. Access to existing roads is not defined or shown, nor is the impact of creating that connection. Note that this was also an important issue with the Long Valley Road Extension EA.

Comment 8: Geographic Context

Please (1) improve the mapping to include appropriate context within the city and SCRR ([Map 1: Context derived by CSU](#) as a crude example of a context), showing landmarks, previous impacts, road access, and connection points to existing roads, (2) resolve area discrepancies, and (3) assess environmental impacts of access roads.

7. Consideration of Indigenous Culture

It seems that the SCRR is within an area considered sacred by Indigenous peoples of which Washington County is their ancestral home. We do not pretend to speak for these communities or understand their connection to these lands, but we recognize that these communities have systematically been excluded or their input ignored from land-use decisions concerning their ancestral land. While the law requires engaging Indigenous communities in discussions of proposed uses, it is insufficient to ask for their comment and then proceeding to approve the proposal when none is given. We non-Indigenous people have the obligation to err on the side of not further damaging their culture and values. It seems that they could consider the proposed land use disrespectful and inconsiderate, heaped upon our history of disregard.

The SCRR protects an incredible array of petroglyphs, and habitation and farming sites. These cultural resources are important to the Shivwits Band of Southern Paiute; the Shivwits Band collaborated with BLM on trail names and signage on many of the trails in the SCRR. Southern Paiute names were assigned to trails like the Tempi'po'op (Rock Writing) and Enepitsi (Ghost) trails that put visitors in close contact with petroglyphs.

Unfortunately, this landscape with immense cultural value is easily accessible to residents of Washington County, located only a few miles from downtown St. George. The SCRR offers short, easy hikes to view petroglyphs and a BLM-interpreted habitation site. High levels of public visitation have been putting these resources at risk for years. For example, visitation at the Anasazi Valley Trailhead continues to grow and is leading to resource damage, including dog-off-leash issues, people sitting and standing on petroglyphs, litter, and chipping and marking of petroglyphs, all documented by volunteer site stewards.

In the past, CSU's partnership with BLM to safeguard cultural resources on public lands through the Southwest Utah National Conservation Lands Friends (SUNCLF) group has focused on this area. SUNCLF site stewards monitor numerous archaeological sites in SCRR and report on increasing damage and vandalism. The creation of a Petroglyph Patrol around 2015 led to trained volunteers providing site etiquette instruction here, but the task was overwhelming. BLM must consider the cumulative impacts of adding a 100-acre park complex to a sensitive landscape with significant cultural value that is already overwhelmed by visitation. It appears that the Ivins Park would be approximately one mile from the Anasazi Trailhead, located on the same basalt cliffs above the Santa Clara River

that are home to hundreds of petroglyphs. The proximity of the proposed Ivins Park to an already bustling trailhead will only serve to increase visitation at this trailhead. It wouldn't be surprising if the Ivins Park complex later tried to link their park to the Anasazi Trailhead and Temp'i'po'op Trail by building a new, connector trail. Increased visitation is of major concern and could adversely impact cultural resources in the SCRR. Furthermore, how would the placement of this park impact the visitor experience on the Temp'i'po'op Trail (will the Ivins Park be visible?) and on the Enepitsi Trail below the rim (will the sound and litter from the park above impact visitors below?).

Comment 9: Consideration of Local Indigenous Culture

Explain how the proposed land use appropriately respects indigenous cultural values and how it conforms to the current BLM administrative direction.

8. Cumulative Impacts

There are two aspects of cumulative impacts that in our opinion are under-appreciated:

a. Incremental damage to critical habitat for ESA-list species throughout the county.

The populations and health of ESA-listed species in Washington County, especially the Mojave desert tortoise, have declined. The continued approval of such development in specifically designated protected areas has a large and eventually overwhelming cumulative negative effect. If the proposed development was in general “multiple use” lands rather than lands designated as protected from major development, or if it was poor habitat containing no listed species, the consideration would be different. But this is not the case on both conditions. The proposed development would make the habitat more vulnerable to wildfire, predation, and fragmentation. The planned related actions described in the EA would add to the existing large cumulative effects. Mitigation for previously approved detrimental actions should be proven effective before additional projects are approved

Comment 10: Incremental yet continuous critical habitat destruction in Washington County

Explain the process for determining how continuous incremental habitat destruction in areas designated with a protected status should be approved. At what point is the cumulative impact too much? Appendix C of the EA, addressing these issues, is not available. It must be available for review as part of a draft EA, not revealed for the first time in the final.

Please describe how any planned mitigation for previously approved projects has been successful, and explain how the mitigation for this project will be. Has any project proposed in the county been rejected for reasons of cumulative effects? How would BLM define the point of “too much”? It seems that every proposed project is assessed as having an incremental impact, yet is then approved.

b. Incremental reduction and damage to the SCRR

BLM has approved several developments in the SCRR: the Santa Clara Adventure Park, the Gap Wash water storage expansion, and the trail system. Efforts to protect and preserve cultural heritage and landscapes in the SCRR are failing, and the approval of this proposed development within the SCRR will exacerbate the damage. There appears to be no effort to improve protection and conservation. BLM indicated

verbally that no comments were received on the proposed Santa Clara Adventure Park, yet Mr. Spotts indicated he submitted comments.

Comment 11: Incremental reduction and damage to the SCCR

Is it BLM's intent to approve continued incremental development of the SCRR with no balance with improved protections or conservation measures to protect the natural and cultural resources? If so, explain how this is in the long-term public interest and of BLM's long-term conservation mandate? If not, under what conditions are development proposals to be denied? If public comments were made on the Santa Clara Adventure Park EA, please provide BLM response to them and describe how they apply to the proposed Ivins land use, and explain why the proposals cannot be addressed in an integrated manner.

9. Land Use Planning, Compatibility with Designated Purposes, and Land Exchange Considerations

The mission of the Santa Clara River Reserve is to preserve the cultural heritage, open space, recreational opportunities, and resource values of the Santa Clara River Reserve for our communities through a Recreation and Open Space Management Plan that provides for resource protection, interpretive education, traditional use, and planned recreation. Its goal is to foster a sense of place that balances the need for resource protection with the need for recreational opportunities that offer a range of experience outcomes (per [Santa Clara City](#)). The Reserve protects open space, archaeological and natural resources, and recreational opportunities important to local communities (per BLM's [SCRR brochure](#)).

While it could be argued that the recreation facilities defined in Ivins' proposed action are within the scope of the SCRR's purpose, it cannot be effectively argued that the cemetery and public works facility are. And even then, there is inadequate justification for the habitat loss.

Comment 12: Invalid public land use

BLM presents the argument in the EA that any public land can be given to a local government upon request regardless of the designated purpose of that land and the stated purpose of the proposed land use. This is not a valid argument given the extremely poor alternatives analysis.

Local governments have the responsibility to plan and manage the use of lands within their boundaries to accommodate residential, commercial, industrial and institutional requirements in a manner that accommodates environmental protection. Residents and government officials participated in setting the Vision Dixie principles for this purpose. There should be no provisions in land use plans that rely on the acquisition of public lands, especially those that have been specifically designated as protected. The requirements for parks, cemeteries, and public works facilities should be addressed in municipal general plans, within city boundaries. A failure to do so should not result in a gift of free public lands from the American public. As land prices increase within a city due to demand, the increased tax revenues should have been allocated for the acquisition of land for use by the city, and if more revenue is needed, that need should be presented to constituents in a bond or tax increase proposal. The argument presented by Ivins per

the EA (section 2.3) is that “the cost of land was prohibitive”. This is an insufficient reason.

Ivins, and the entire county, have a looming affordable housing crisis. Plans have not considered how this will be solved, what land will be used, and how this land will be afforded. There are indications that local governments are considering the use of public lands for affordable housing. We support affordable housing, and its integration into the fabric of the community, but the plan should not be to require free land. Cities should plan to purchase the land within city boundaries.

Comment 13: Inadequate land use and financial planning

The argument that BLM is required to allow the development of specifically protected public lands just because a local government did not plan for its infrastructure requirements should not be valid. What barriers exist to prevent this from occurring anywhere for any purpose? This broader issue should be addressed in the alternatives analysis. Doing otherwise will result in continued incremental pressure on public lands. It cannot be a valid policy to address them one at a time with no consideration of the cumulative impact. What does Ivins’ general plan indicate as a solution to future infrastructure requirements? It is within BLM’s responsibility to understand alternatives outside of public lands.

The SGFO RMP appears to require the applicant to acquire suitable habitat in exchange for development within habitat on public lands. The precise location and purchase plans should be clear before a proposal can be considered, yet it appears that it has not, and it’s unclear how this purchase would be funded.

Comment 14: Exchanged land location and cost

The location and cost of the land required to be purchased by the city in exchange for the SCRR land should be specified in the proposal. If it is not required now, when will it be, and how the city will be held accountable to make the purchase? How would this cost affect the alternatives analysis?

10. Alternatives

The EA mentioned but does not disclose the analysis of any alternatives to place these proposed facilities outside the SCRR within existing Ivins city boundaries. It merely indicates it would be prohibitively expensive. This explanation is inadequate, especially when considering the exchange issue above.

It is inadequate as a matter of policy for BLM to only consider alternatives on public land. This has been used as an excuse to ignore better alternatives in other proposed actions. It should be required that the applicant submit an analysis of alternatives considered when proposing action on public lands.

Several obvious alternatives have not been named, referenced, or analyzed in the EA:

1. Land within Ivins city limits
2. Recreation facilities in the SCRR, but not the cemetery and public works facility.

3. Reduce the recreation footprint by integrating the youth mountain biking area with the existing trails in the SCRR and eliminating the disc golf course, due to their destructive nature.
4. Integrate planning with Santa Clara for all proposed facilities.
The two cities already collaborate on other community services. Santa Clara has apparently already received BLM approval for a similar recreation facility nearby, inside the SCRR.

We would not necessarily support any or all of these alternatives, but they seem to be obvious alternatives that either were or should have been analyzed, and that analysis should be open to public review.

Comment 15: No analysis of alternatives outside the SCRR

- Can BLM request in this case and a matter of policy that applicants submit their analyses, even if just in preliminary state, of all alternatives considered?
- Is the public to expect that any desired expansion of city facilities take place on public land transferred to city ownership at no cost to the city?

Note that this is the same game plan used at the beginning of other controversial local proposals, and yet valid and even superior alternatives outside of public lands have surfaced during the NEPA process. Costs and contention would decrease significantly if these analyses could be done in rough form prior to formally proposing development on public lands. It could also result in more serious consideration by the applicant before jumping to solutions on public lands.

11. Landscaping and Lighting Requirements

Comment 16: Landscape and lighting requirements

Requirements for irrigation and lighting should be stated: minimal grass only on flat topography away from hard surfaces designed to fit the irrigation design rather than the other way around, smart irrigation, identification of water demand requirements and assessment of the impact on supply, lighting requirements to maintain dark sky.

12. HCP/ITP

Comment 17: Impact of HCP/ITP reversal

The EA should consider the possibility that the latest ITP is declared invalid in the [pending lawsuit](#). How, if at all, would the reversal impact the approval and development? What would happen if the county abandons the HCP?

13. Consideration of Climate Change Impacts

Pushing urban development into open space often causes unanticipated costs as climate change exacerbates the impacts of wildfires and the intensity and frequency of extreme weather events. Planning and budgeting that have attempted to consider the impacts of these events has been overwhelmed. Typically, the US taxpayer incurs the costs of poor

planning and decisions made by local government and BLM in the face of obviously increasing risks.

Comment 18: Costs and Dangers of Inadequate Consideration of Climate Change

Identify and assess the costs and impacts of increased extreme rain and wildfire events. Identify liability for costs of event response, and for property and habitat damage. It seems that the local government proposing these developments should be liable and that such liability could bankrupt a small local government. We're getting past the time where all US taxpayers are liable for poor local decisions.

14. Concurrence with Spotts Comments

CSU concurs with the issues detailed in [Mr. Spotts comments](#):

1. Patently Inadequate Public Notice of the EA's availability, Federal Register question, and lack of recommended scoping
2. Incomplete description of the setting and failure to explain a substantially similar project in nearby Santa Clara R&PP EA
3. Arbitrarily narrow purpose and need statement (EA Section 1.2)
4. Inadequate plan conformance explanation for wildlife and arguable nonconformance (EA Section 1.4; FW-13)
5. Inadequate and improperly conclusory alternatives analysis (EA Section 2.3)
6. Inadequate or failed tortoise analysis of access road as an obvious "connected action" (Sections 3.6 and 3.81)
7. Discrepancies between this EA and the IDT checklist (Section 4.2)
8. Inadequate explanation of how ESA compliance would be achieved to protect ESA listed threatened Mojave desert tortoises
9. Inadequate cumulative effects analysis for Mojave desert tortoises, failure to include proposed tortoise conservation measures, and failure to provide the BLM Biological Assessment to FWS as an appendix
10. Appendix A support letters improperly reference an R&PP "purchase" and provide no detailed justifications

Summary

Systemic Issues

There are many significant systemic issues with public policies, processes, and notification/schedules that are exemplified by this draft EA and that are common to many (perhaps most) others:

1. A bias (or encouragement) to develop protected lands rather than conserve them

[Comment 1: Seeking Solutions that Respect Different Public Lands Management Perspectives](#)

[Comment 2: Clear and verifiable context for a proposed land use](#)

[Comment 6: Transparent Verification of the Purpose and Need](#)

[Comment 7: Contracting technical services](#)

[Comment 10: Incremental yet continuous critical habitat destruction in Washington County](#)

2. The process discourages and/or disables meaningful public engagement

[Comment 3: Improving Public Engagement Processes](#)
[Comment 4: Easing the Difficulty of Research and Commenting](#)
[Comment 5: Scheduling of Public Engagement](#)
[Comment 8: Geographic Context](#)

3. The process inadequately considers Indigenous culture
[Comment 9: Consideration of Indigenous Culture](#)
4. A process that underestimates and underappreciates cumulative impacts
[Comment 10: Incremental yet continuous critical habitat destruction in Washington County](#)
5. A process that limits consideration of viable alternatives
[Comment 12: Invalid public land use](#)
[Comment 13: Inadequate land use and financial planning](#)

Additional specific issues

All of these common issues apply to this EA, and there are other issues specific to it:

1. Incremental erosion of the SCCR for uses inconsistent with its purpose
[Comment 11: Incremental reduction and damage to the SCCR](#)
2. Inadequate alternatives analysis
[Comment 14: Exchanged land location and cost](#)
[Comment 15: No analysis of alternatives outside the SCRR](#)
3. Incomplete design requirements
[Comment 16: Landscape and lighting requirements](#)
4. Inadequate consideration of risks and liabilities
[Comment 17: Impact of HCP/ITP reversal](#)
[Comment 18: Costs and Dangers of Inadequate Consideration of Climate Change](#)

Conclusion

These issues hamper public engagement, result in poor identification and analysis of alternatives, and encourage continual incremental degradation of ESA-listed species habitat and Indigenous culture. The issues have been raised in many public comments on many projects that have been approved through the NEPA process, yet there has been little or no BLM or local government reaction to them. IBLA appeals and federal lawsuits should not be the only means of redress. While NEPA could be implemented to address the intent, the process has been perverted. BLM, local governments and citizens in Washington County have the chance to set an example of how different perspectives can be engaged to find good solutions. Both the HCP and Vision Dixie were initially characterized as such examples, but their purpose has been abandoned by our local governments.

BLM is increasingly enabling and perhaps even encouraging local governments in Washington County to use, destroy and annex designated protected public lands for general infrastructure projects, justifying them with inadequate consideration of alternatives, cumulative impacts,

mitigation, and Indigenous culture, while constraining and ignoring public engagement. The labeling of these projects as “essential” or “necessary” is justified by growth policies that enable sprawl, and by planning processes that do not consider the results of those policies by budgeting and acquiring private property for the required infrastructure.

Comment 19: The Trend

Please provide a reference to the proposals/applications for development within public lands designated as “protected” (e.g., NCA, NM, WA, WSA, ACEC, Reserve) in Washington County over the past 20 years and their approval status.

Due to the significance and number of systemic and specific issues in this draft EA described in the CSU and Spotts comments, and the short time given its public review, we request that a revised draft EA be submitted for public comment, rather than a final EA.

Comment 20: Revised Draft EA

Please resolve the comments/issues identified and referenced in this paper and re-issue another draft EA for public review, rather than a final EA. Please give a 3-month notice of the re-issue and allow a month for the review.



Tom Butine
Board President, for Conserve Southwest Utah
321 N Mall Dr., Ste B202, St George, UT, 84779
tom@conserve.swu.org

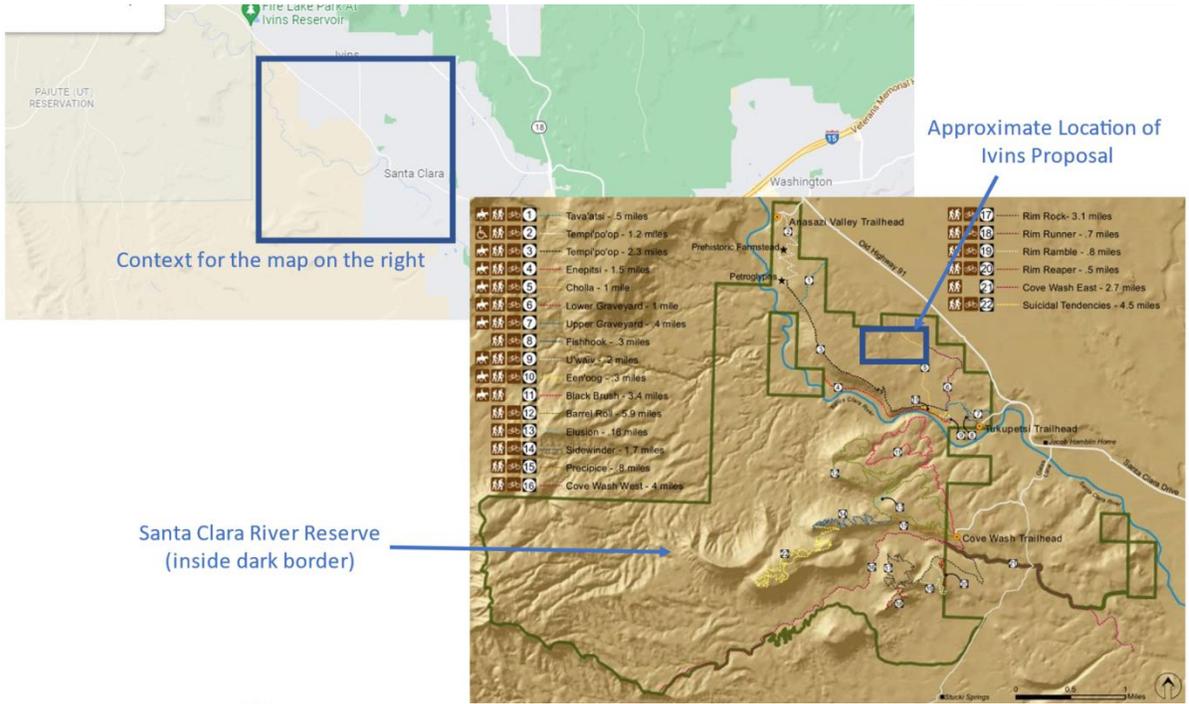
Appendices

CSU Comments - Email Distribution List

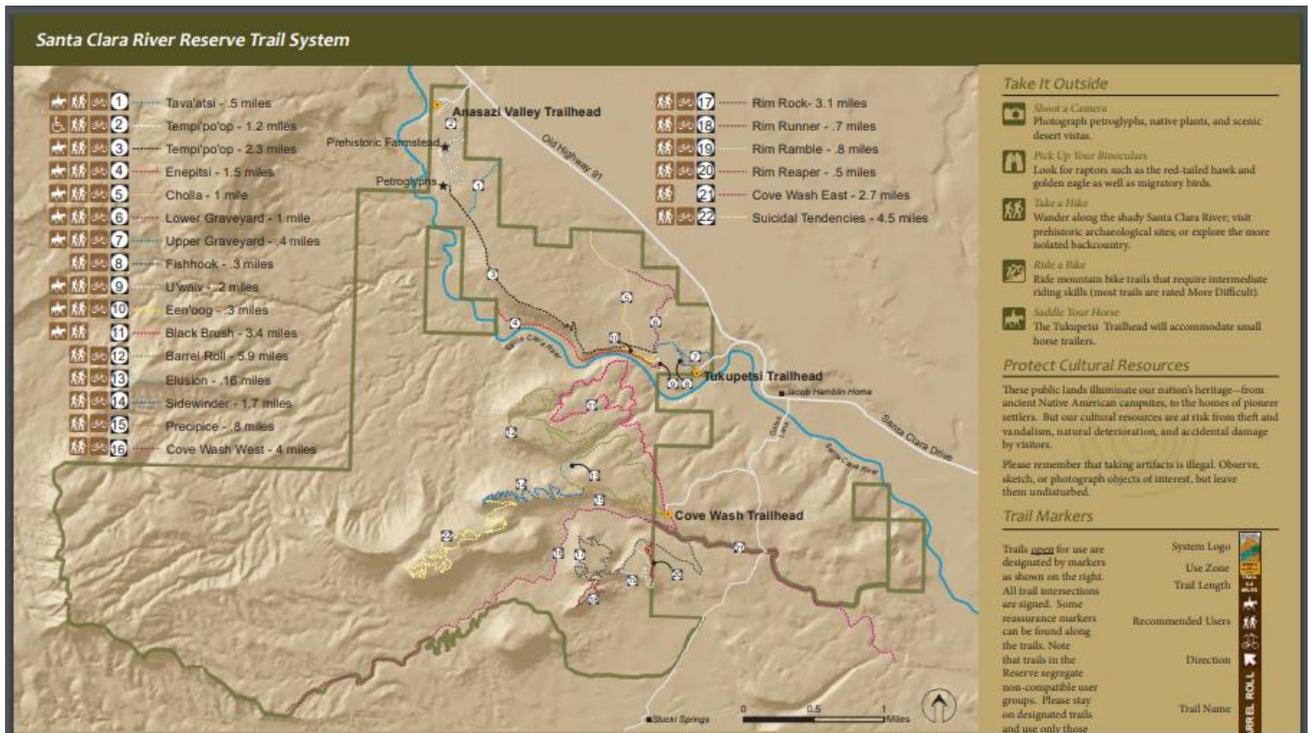
To Keith Rigtrup, SGFO manager
Dawna Ferris, SGFO NCA manager
Shawna Dao, Ivins EA project manager
L. Callie Goff, SGFO NEPA Coordinator
John Kellam, SGFO wildlife biologist/ESA compliance manager
Stephanie Root, SGFO wildlife biologist
Stephanie Trujillo, SGFO reality

Cc: Gloria Tibbetts, BLM Color Country District Manager
Rachel Carnahan, BM Public Affairs Officer
Cameron Rognan, Washington County HCP manager
Mike Schijf, Washington County biologist
Randee Sanders, Washington County HCP
Yvette Converse, USFWS
Ann McLuckie, Utah DNR
Richard Spotts

Maps
Map 1: Context map derived by CSU



Map 2: SCRR, from [SCRR brochure](#)



Map 3, from the EA

*Environmental Assessment for the Ivins City Recreation, Public Works, and Cemetery Project
Proposed Recreation and Public Purposes Act Lease*

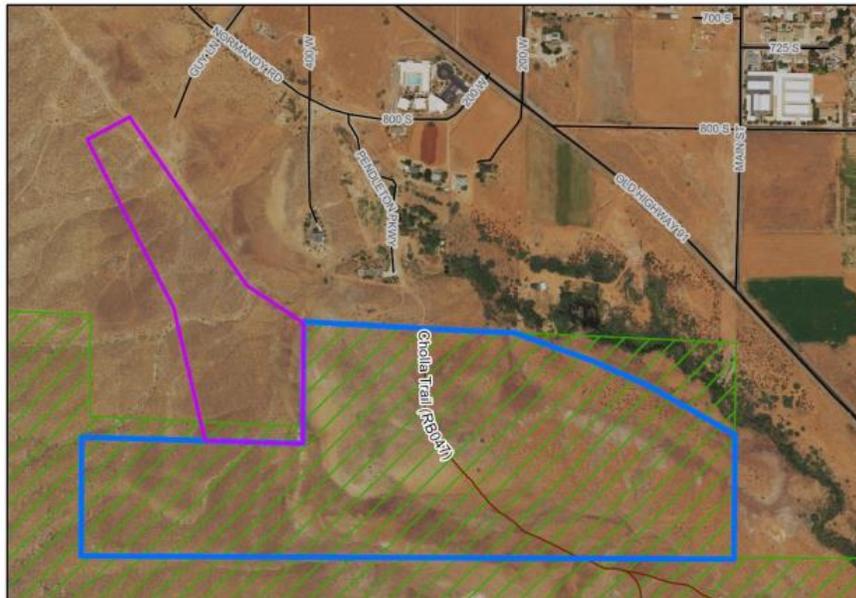


Figure 3-5

Map 4, from the WA

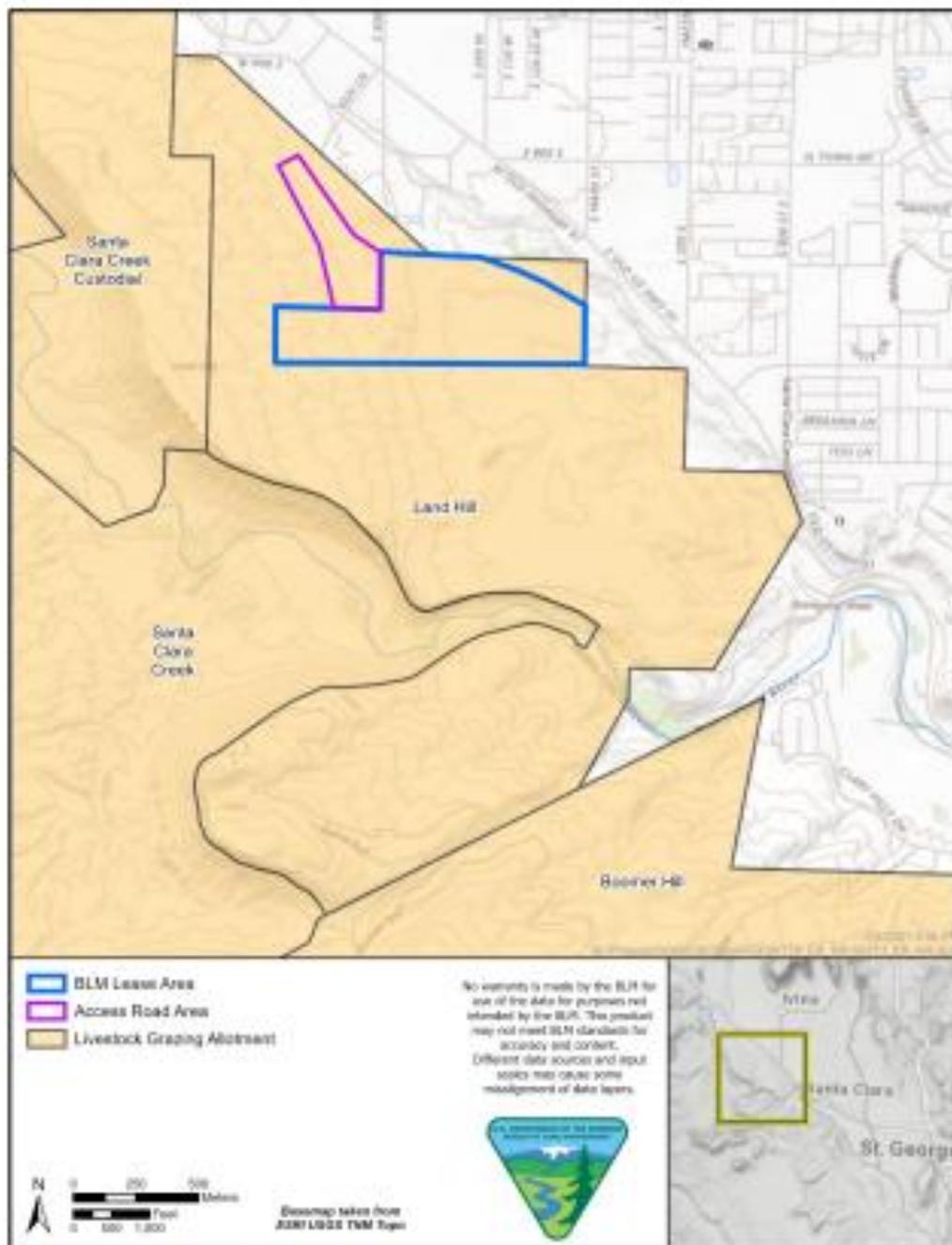
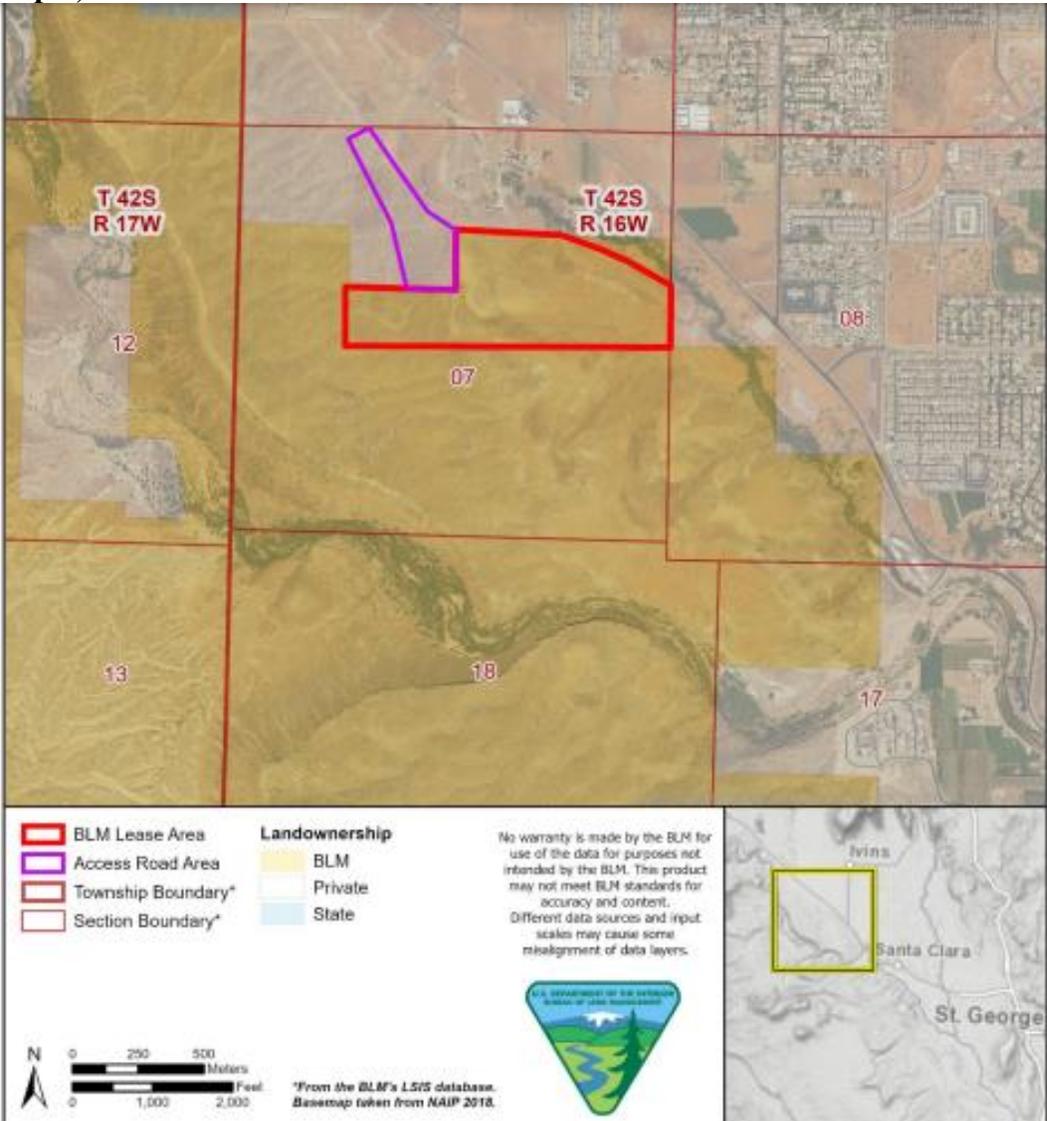
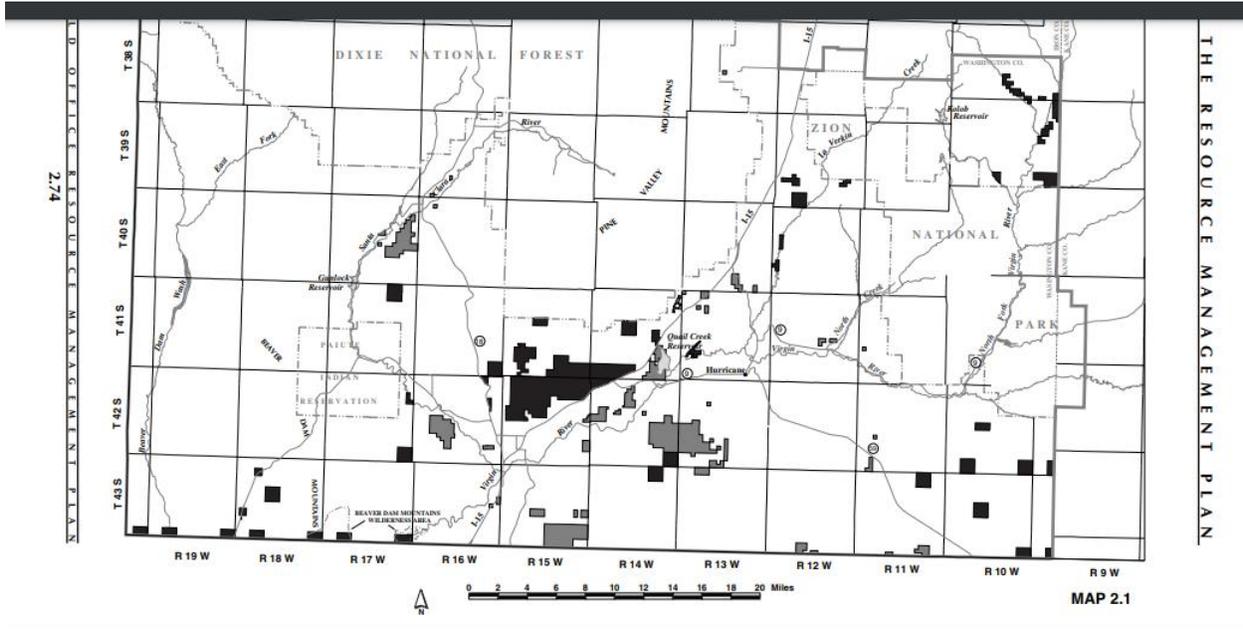


Figure 3-4. Land Hill grazing allotment.

Map 5, from the EA



Map 6 [SGFO RMP 1999](#) page 2.74/94 Map 2.1 Potential Transfer/Acquisition Lands
 Proposed park seems to be outside of RMP-identified transferable lands
 R16W/T42S



References

1. The [Draft Environmental Assessment](#)
2. [Spotts Comments on Reference 1](#)
3. [BLM SCRR brochure](#)
4. SCRR Management Plan – could not find
5. [SGFO RMP](#)
6. Ivins Proposal/application and alternatives analysis – not made available
7. Ivins city council working meeting minutes ([8-17-2017](#) and [9-20-2017](#))
8. Santa Clara South Hills Recreation Park [DOI-BLM-UT-C030-2017-0002-EA](#)
9. [2017 Adventure Park EA](#)
10. [BLM Press Release on 2018 Proposal](#)

Notes

BLM contact: 435-688-3200

Nick Howell [435-865-3026](#), left message 8/27, no return call

Stephanie Trujillo, no number given, left message 9/1, no return call

Callie Goff 435-688-3268, discussed some of the issues on 9/2

1. Santa Clara South Hills Recreation Park DOI-BLM-UT-C030-2017-0002
<https://eplanning.blm.gov/eplanning-ui/project/72415/570>
What is the relationship to this new one and status of old one?
Close but different, near water tower, not built yet.
Where is the record of the 2017 public comments and responses?
BLM reports no comments.
2. Current Ivins Recreation, Public Works and Cemetery EA DOI-BLM-UT-C030-2021-009-EA
What/where is the access road?
3. SCRR
What is its size? 6500 per brochure, 9,000 per EA
Where is the Santa Clara River Reserve Recreation and Open Space Management Plan referenced in the EA? What are the Reserve's "management areas", what are their boundaries (map) and their designations/restrictions/purposes? (Ref last sentence in <https://www.blm.gov/visit/santa-clara-river-reserve>)
4. Ivins: What alternatives were considered and where is the record of the analyses?
Review of city council meeting minutes did not readily reveal information about alternatives analyses, the proposal to the BLM, contracts with consultants, budget allocation.
5. RPP
[BLM Summary](#) of the RPP says the act applies to all public lands identified for disposal within existing land use plans.
What does RMP show as "disposable lands"?
How is the SCRR considered "disposable"?