



November 15, 2021

Submitted to: the [eplanning website](#) and via email to local BLM officials

Subject: Conserve Southwest Utah Scoping Comments on the Toquerville Butte Road/Utilities Right-of-Way Environmental Assessment

References:

1. BLM project [DOI-BLM-UT-C030-2021-0021-EA](#)
2. [Signed Interdisciplinary Checklist](#)
3. Richard Spotts' comments dated November 6, 2021

Dear partners in conserving our Public Lands,

Thank you for the opportunity to support you in the process of wisely managing our public lands. Please consider the following comments in scoping the environmental assessment:

Purpose and Need

In our recent experience, BLM seems to generally interpret the “purpose and need” to be merely to respond to the applicant’s request for a specific action, which in this case is to grant a ROW for roads and utilities in a specific route through public lands. This narrow interpretation tends to eliminate the identification and analysis of alternatives. Please broaden the concept of the “purpose and need” statement to address the underlying reason for the proposed use of public lands. In this case, it appears the applicant wishes to enable a residential development requiring utility connections and two transportation access paths, but the applicant inappropriately forms the ROW request in terms of a specific solution rather than a more abstract statement of the intent.

Alternatives

Since the intent of the ROW is unclear, a proper review and evaluation of alternatives is not possible. There are no constraints defined for consideration of alternatives, which makes both the evaluation of the constraints and consideration of alternatives impossible. The applicant must have used some constraints in the process of developing this particular ROW request. What were they, how were they determined, what alternatives were considered, and how? Cost and environmental impact are important considerations.

Economic Value and Compensation

There is a lot of money, effort and controversy involved in the NCA inholdings. These lands are priced high, and BLM has few resources to acquire them. Yet there are many local government-sponsored projects similar to this Toquerville project (the Northern Corridor Highway, Long Valley Road Extension, Ivins use of the Santa Clara River Reserve) for which the federal government/taxpayer receives no compensation for their market evaluation. In the socio-economic impact determination for this (and future) projects, please explain/consider how the value of these ROWs could be used to acquire or trade for the NCA inholdings.

Location/context

Thank you for the [supplementary map](#). While it helped, mapping and location information continues to be very obscure. Topography, existing and anticipated future development (roads, utility junctions, neighborhoods, etc.), land ownership and class/category and general geographic context is very important to understand impacts and alternatives, yet is very difficult and time-consuming for individual citizens to determine.

Cumulative Effects and Connected Actions

Please identify and consider impacts of other approved/anticipated projects within and outside of federally-managed lands. Does this development and these access roads assume or depend upon other road projects identified (or not) in the [Unified Transportation Plan](#), including the Toquerville Bypass/SR17 Widening D-127), N. Babylon Road (D-168), Toquerville-Leeds Connector (D-96), and/or the Babylon Road (D-99)? If so, which of these projects impact what public lands, and how? It has been a common practice to build developments that then depend on infrastructure on public lands, even designated protected public lands (e.g., the Northern Corridor, the Long Valley Road, the Ivins project in the SCRR). These anticipated cumulative effects should be identified and addressed as connected actions. Anticipated future connected environmental and socio-economic impacts should be evaluated.

Local Government Public Land Use Policy and Planning

In order to help understand applications for public lands use, please request that local governments sponsoring these sorts of projects provide in their applications a statement of their policy about public land use (which lands they would support using in what ways) and an accountability of how this project complies. It is obvious to us that projects we consider as misuse of public lands will keep proliferating until we reach policy understanding between local governments, BLM, and the public.

There is no integrated county-wide land use/general plan, as intended to be addressed by the implementation of Vision Dixie. Note that this planning concept was precipitated by the same action that resulted in the 2009 OPLMA as a way to protect public lands from the sprawling development that is now occurring in Washington County, exemplified by the project that this EA addresses. It is a failure that is undermining OPLMA. As each of these developments are approved, pressure mounts to solve the resulting infrastructure deficits with incursions into public lands, including those that have been specifically protected. Examples are:

- Developments in Hurricane, Ivins, Santa Clara and The Ledges in St George caused traffic bottlenecks in central St George and Washington City, driving the concept of the Northern Corridor Highway through the RCNCA.
- Developments in Hurricane, Leeds, Toquerville and Washington City drive the concept of the Babylon Road through the RCNCA.
- Developments in Ivins and Santa Clara drive the concepts of city facilities in the SCRR.
- Developments in Washington City and St George drive the Southern Parkway and Long Valley Road incursions into the FPWR ACEC.

In order to correct this problem, the regional planning as defined in Vision Dixie, identifying the assumed development in public lands, should be required prior to accepting piecemeal applications such as the subject of this EA. Doing otherwise makes a proper assessment of cumulative effects impossible, and will result in the continued incremental degradation of public lands, especially those that have protected status.

Implications of NCH Lawsuit

Please explain implications of potential Northern Corridor Highway and related HCP/ITP approval reversal. The reversal could change the HCP/ITP.

Utilities - which ones, construction methods

What utilities are anticipated and where are they expected to be installed – under-ground, surface, or elevated?

Additional information

The [checklist](#) (ref 2) states:

- “A site visit with the applicant and private landowner/developer was conducted on January 20th, 2021.”
Is there a report of what was discussed and learned in this visit?
- “If granted, the ROW would be issued for 30 years and would be pursuant to Section 507 of the FLPMA of 1976 (90 Stat. 2781, 43 U.S.C. 1767).”
What happens after 30 years?
- “More detailed information about the proposal can be found in the following location:
S:\SGFO\NEPA\Current Projects\Lands\Toquerville Butte Road.Utilites ROW”
The stated location URL is not functional. Can you send us an operational link?

Concurrence with Richard Spotts Comments

CSU generally agrees with the issues raised in his submitted comments.

Thank you for your consideration.



Tom Butine
For Conserve Southwest Utah