

# **Committee on Resources**

## **Subcommittee on National Parks & Public Lands**

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### **Witness Statement**

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**TESTIMONY OF WASHINGTON COUNTY, UTAH COMMISSIONER  
ALAN D. GARDNER  
BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS  
TUESDAY, OCTOBER 19, 1999**

Chairman Hansen - Committee Members:

My name is Alan D. Gardner. I am a Washington County, Utah, County Commissioner. Thank you for the opportunity of commenting on the Utah National Parks and Public Lands Wilderness Act. Like many members of Congress, Washington County is very tired of debating the wilderness issues in Utah. Because of that, but with much reservation, we agreed to let Governor Leavitt's office try to negotiate a reasonable agreement with Secretary Babbitt's office.

The Bureau of Land Management was in the middle of attempting to create new Wilderness Study Areas (WSA) relying solely on its planning mechanism in violation of the wilderness study authorization of FLPMA. To make these areas qualify, the BLM ignored Congress' definition of what a wilderness was by ignoring man's intrusions, and declaring roads as ways, even roads that they acknowledged had been mechanically constructed and maintained (Exhibit A).

During the negotiation process, Mr. Brad Barber, from the Governor's office, visited Washington County and we went out on the ground to show him some of our concerns and our maps and pictures that were done with a Global Positional System (GPS) to document the exact location of these man made disturbances. After our discussion with Mr. Barber, he met and negotiated with the Department of Interior, and came back with alterations in some of the proposed WSAs that reduced the number of total acres while deleting and adding other proposed WSAs. We were not thrilled with these changes, but felt we could live with the proposal.

On the 28th of September, Mr. Barber again made a visit with a new map. Interior had added new acreage in areas never before identified by the BLM as now being appropriate for wilderness study. This brought out total acreage up to 150,000 acres, which is where we were to begin with. This convinces us even more that the whole process is about numbers and not about what is actually wilderness.

Another major concern is that the BLM continues to insist that unit boundaries be set right on the edge of a road or some other boundary which blocks utility corridors, and strangles our communities instead of using more natural, manageable boundaries. Of particular concern in this regard are the Black Ridge, Red Mountain, and Canaan Mountain units. The Black Ridge Unit's west boundary is, for all practical purposes, the edge of the I-15 Freeway right-of-way. Moving a few hundred feet east from the actual right-of-way does not eliminate the conflicts or lessen the impact of I-15 traffic noise on the opportunity for solitude or primitive, unconfined recreation from the top of the ridge down to the Freeway. The area between the Pine Valley Mountain and the top of the ridge east of I-15 is a natural utility/transportation corridor. The

importance of this corridor for transportation and utilities needs to be recognized. The boundary of any wilderness proposal needs to be located on the ridge top.

A similar situation exists on the west boundary of the Red Mountain Unit. The area along the Santa Clara River forms a utility corridor from the town of Gunlock and the Gunlock State Park, to

St. George City. The City depends upon water wells and pipelines along the river for a significant portion of its water supply. As proposed, the Red Mountain wilderness unit could seriously infringe upon the ability of the City to maintain and, or expand, these water facilities. Also, it would eliminate an excellent Navajo Sandstone Aquifer water recharge area. The southern boundary is adjacent to Ivins town and the Kayenta housing development. As with the Black Ridge unit on the northwest, east and south boundaries should be adjusted to the ridge line or the 4000 foot contour line from the vicinity of the NE corner of Section 35, T40 S, R17 W, SLB&M to the Shivwits Indian Reservation and north of Ivins/Kayenta.

The main entrance street to the town of Hildale forms a portion of the south boundary for the Canaan Mountain WSA. Maintenance of the street has been complicated and at times challenged by BLM since establishment of the WSA. There is no need for this irrational conflict and an even more important one involving water development and the maintenance of water facilities along the base of the Canaan Mountain cliffs. The entire management problem could, and should be, eliminated by moving the boundary from the base of the cliffs and Hildale street, to the top of the Canaan Mountain cliffs.

The difficulties with the current boundaries are not only of concern to local officials, but also to on-the-ground BLM managers because of the significant management problems that they create for the BLM to protect the land adjacent to streets and major transportation/utility corridors and urban development to wilderness standards.

The BLM added any adjacent State School Trust Land to all adjacent WSAs. Of particular concern is a school trust section located on the east boundary of the Red Mountain WSA that is inside the boundary of Snow Canyon State Park. This section also has a producing culinary well and pipe lines for the cities of St. George, Santa Clara, and Ivins.. This is just another example of the in-depth study they have not done in these new proposals. They have looked at maps and drawn lines without adequate knowledge of what is actually on the ground.

The release language on page 24, line 19, after the words "page 13439" should have added: "or begin any new 202 process without the express direction from Congress." If a new process is allowed to start after this bill, we have wasted our time and are back in a big debate all over again.

Red Butte is in a heavily infected noxious weed area that is currently under a joint weed plan with Washington County and the Bureau of Land Management. If it were to be made wilderness it would be a continual seed source to all of the lower drainage.

Washington County has over 30% of the county area reserved in special use and limited access designations now.

### **ADDITIONAL COMMENTS**

In addition to the above comments spoken in public testimony before the committee, on behalf of Washington County I would submit on behalf of the County Commission, the following comments relative

to several of the proposed WSA's that are being proposed in this County.

## RED MOUNTAIN

The Navajo Sandstone aquifer is the formation from which all culinary water in the southern part of Washington County is drawn. In most cases, because of the drastic difference in elevation in the various parts of Washington County, the escarpments between the high plateaus and the low valleys is where the water from the formation may best be tapped. Further toward the Virgin River, the water table becomes contaminated with high saline content and is not potable for culinary purposes. therefore, it is critical that all of these slopes from the rim to the base, be protected for water development. This is the life blood of this County. Without sufficient water, southern Washington County, an extension of the Mojave Desert, cannot continue to exist. At least two St. George City water wells are located within the newly proposed Red Mountain wilderness area.

The area on the south side of the mountain borders the back yards of the residents of the town of Ivins. at least one, or more, "back yards" is within the proposed boundary, as is a City Park constructed on land obtained under a Recreation and Public Purpose lease from the BLM. There are also water lines and a water storage tank for the City, located in this area. In one instance, the boundary line includes the "borrow ditch" used for drainage, of a City street. A parcel of State Trust Land, included in the proposed boundary, has been recommended by the BLM for exchange for private land located in the Red Cliffs Desert Tortoise reserve. The reserve itself includes probably 80% of the entire Red Mountain WSA, placing double management on this land between the BLM and the Fish & Wildlife Service Plan adopted and managed by Washington County. There would appear to be no need for such duplication of management.

In addition, the south side of the mountain is very steep and not suitable for hiking or backpacking. The County search & rescue unit is often called out to rescue individuals from the face of the cliffs. The less attention called to the cliffs, the more safety that can be provided. Access to the wilderness area is best done from the north east side of the area, which incidently, is adjacent to State Highway 18, a major north-south route through Washington County. All of the cliff area is within the Habitat Conservation Plan boundary and is well managed by that plan.

To be acceptable, the boundary of this WSA must be raised to the rim of the mountain.

## COTTONWOOD

The Cottonwood WSA, not previously mentioned in the pubic comments, lies north of the City of Washington. The entire WSA is within the HCP reserve for the Tortoise. That reserve covers approximately 70,000 acres of land that lies along the north of each community in the valley. The County does not oppose the wilderness designation in this area but finds it very redundant to place double management over the same area when the management principles are nearly identical. In addition, at least one significant water well for the City of St. George is located within the WSA, and has been capped since the original wilderness study was undertaken years ago. A minor shift in this boundary of something less than fifty feet, would remove this well from the proposed WSA. St. George City needs this water!

On the most recent map proposed, to which the County has significant objections, the Cottonwood WSA has been expanded to include a significant portion of National Forest land lying north of the WSA. It is our opinion that the re-inventory study done by BLM did not authorize inventory of National Forest land, nor the designation of such land as a part of a BLM wilderness area. Washington County has already set aside

over 50,000 acres of land in the Dixie National Forest as wilderness at the time the National Forest did their own wilderness inventory. This land was not identified as having wilderness characteristics when that inventory was done. It was not designated by the National Forest as wilderness, and it should not be designated by the BLM as wilderness across jurisdictional boundaries.

## BLACK RIDGE

In the original wilderness study, the Black Ridge was not found to be suitable for wilderness classification. Even so, because it was recommended in the HR 1500 bill submitted to Congress by then Representative Wayne Owen, Washington County undertook a study of the area in connection with a number of the environmental representatives from within the County. Following is an excerpt from that study:

"This area has some indication of wilderness and undoubtedly will remain as a natural wilderness regardless of designation due to its steep cliffs and inaccessibility to portions that are more level. The west side of this area's view shed is the I-15 Interstate Freeway corridor which does not lend itself to solitude. The formation is also bisected by private property. The result is the creation of management units that are too small to manage under wilderness criteria. Also, the east segment along LaVerkin creek has the potential for water development. There is also a significant imprint of man in evidence on the southern part of the area, including T. V. towers and roads."

Frankly, nothing has changed relative to this area since the original study, except for the possible exchange of some of the private land with the BLM for BLM land in other locations. How can there be opportunities for solitude and primitive recreation alongside a heavily traveled Interstate Freeway? Exactly the opposite is true. How can there be solitude watching and listening to large trucks gearing down and creeping up over the black ridge. There is no room alongside the Freeway for recreation. There is presently a natural gas line in the area, and the corridor is needed for additional utility services between Washington County and the Counties to the north of us. The hillside is very steep with a lava cap along most of the ridge line generally prohibiting access to the rim from anywhere along the slope of the ridge.

At the southerly end of the ridge is a collection of T. V. towers, wireless communication towers, and radio antennas. It would appear that the road to the summit at this location has been "cherry stemmed" out of the proposed wilderness area. Washington County is opposed to cherry stemming roadways and calling the area on both sides wilderness. Any proposal for wilderness in this area must be pulled back to the top of the ridge and away from the communication sites at the south end.

A portion of the proposed WSA includes land lying within the town of LaVerkin and is proposed for future development of that community. There should be no wilderness designation inside the city limits of any city or town in Washington County. The Hurricane Mesa test site, the site of rocket testing in the Korean years and before, is also adjacent, and is still in use for testing. It is hardly an area for primitive and unconfined recreation.

In 1980, then Democratic Governor Scott Matheson wrote, in a letter to the State Director of the BLM, "While a small part of the northern boundary is adjacent to Zion National Park, this unit does not share the characteristics that are protected by the Park. The area is intruded by roads in the southern and eastern portions, and a gravel pit on the western edge. The irregular boundary, and the proximity to I-15 further detract from any wilderness suitability. The unit should be excluded from intensive study." It was excluded from that study by the BLM with the following comment, "The unit lacks outstanding opportunity for solitude and for primitive and unconfined recreation." Something must have changed over the intervening

years inasmuch as the re-inventory in 1995 stated in part, "Outstanding opportunities exist for primitive and unconfined recreation ." What changed during these years? Nothing, other than a mandate from the Secretary of the Interior to identify additional wilderness acreage throughout the State of Utah, regardless of whether or not it meets the criteria for wilderness.

## CANAAN MOUNTAIN

The original Canaan Mountain WSA included all land to the base of Canaan Mountain. Both the BLM and the County Commission recommendation raised the boundary to the rim of the mountain because of water development along the westerly and southerly boundaries. In addition, the Commission recommended maintenance of a corridor running north-east of the town of Hildale for a future utility corridor between Washington and Kane Counties. Without such a corridor, it would require going through Iron County, or Mojave and Coconino Counties in Arizona to make a connection between these two adjoining counties.

Except for the utility corridor, the County recommendation was the same as the BLM recommendation. There is the problem with the WSA boundary bordering the main road leading into the town of Hildale. The boundary must be pulled back from this roadway. By locating the boundary on the rim of the mountain, the problem would be avoided. As mentioned in the oral comments, water development potentials are extensive along the slopes of the mountain. These areas, identified for major water development, must be protected just as importantly for use by future generations as any wilderness area should be. Canaan Mountain is an area where both can be protected by an adjustment to the requested boundary line of the wilderness area, moving it from the bottom to the top of the rim. .

There is considerable difference of opinion as to the suitability of the top of Canaan Mountain inasmuch as much at the work of man is very noticeable in the form of vehicular access, a house trailer, fences, water tanks, a sawmill operation, and a system of moving timber from the plateau to the valley floor. There are also oil and gas leases on the summit. According to the 1995 re-inventory, all of these intrusions were noted and the area was still found to be suitable for wilderness. In spite of the noticeable intrusions into the area, the County agreed that by ignoring, or allowing some intrusions to be removed, or obliterated, the top of the rim could be considered to have wilderness characteristics. The County has been very firm however, that in exchange for identifying the rim of the mountain, the slopes below the rim would be deleted. Now, these same slopes, in spite of previous agreement, are once again being identified as a part of the wilderness area.

There are several sections of State Trust land included in the Canaan Mountain WSA, including some sections on the border of the area and not within the boundary. Because of some of the problems of trading state land out of the Tortoise habitat area, it is unlikely that some of this land may ever be traded out of the wilderness area.

Some of the recently added land includes land adjacent to the town of Rockville and the major road leading between State route 59 and State Route 9 near Zion Park. The comment notes are very short relative to land below the rim of the mountain, indicating that very little time was actually spent in inventorying most of this area. Washington County will still support a 32,000 to 33,000 acre wilderness designation on the top of Canaan Mountain, as long as the rim defines the boundary of the area.

## OTHER SMALL AREAS

There are any number of small areas in the vicinity of Zion National Park that, by themselves, do not qualify for wilderness designation because of their size. They will likely remain as they are for many

generations because of lack of access, lack of usability, and smallness of size. On the other hand, they are mainly isolated parcels that are very difficult for the BLM to maintain. These include the areas of

The Watchman, located inside the City limits of Springdale, but adjacent to an important geologic formation in the park, containing 610 acres, Deep Creek, along the northern boundary of the Park containing 3,291 acres, LaVerkin Creek, north of the park and containing 567 acres, Red Butte, in the same area containing 804 acres, but infested with noxious weeds that will spread to other areas both inside and outside of the Park, if the infestation is not allowed to be controlled, Goose Creek, containing 89 acres, Beartrap Canyon with 40 acres, and Taylor Creek with 35 acres.

Typical of the re-inventory evaluation is one of the inventory sheets dealing with Deep Creek. The size is identified as having 3,780 acres. At the bottom of the sheet, the question is asked: "Does the area have at least 5,000 acres of contiguous land, or is it of sufficient size to make practicable its preservation and use in an unimpaired condition." Yes X, No\_. Would you, as Congressman, come to the same conclusion? Obviously, this is the reason that it was not recommended by the BLM for designation in the first place.

Whether these areas remain as BLM areas and are included in wilderness, whether they eventually become a part of Zion National Park which is mostly managed as wilderness, or whether they remain under the management of the BLM for general use, the actual use of the areas, with the exception of Red Butte, will likely not change and the County does not oppose wilderness designation, even though none of them are close the 5,000 acre minimum spelled out in the legislation. If Red Butte is included, language should provide for the eradication of the thistle infesting the site, before actual management as wilderness takes place.

## BEAVER DAM WASH

The Beaver Dam Wash is located in the extreme south-west corner of Washington County and the state of Utah. The proposed wilderness area contains 25,200 acres of which 2,200 acres are State Trust lands. It would appear that the re-inventory is badly flawed in terms of reviewing what is contained within the proposed. area. Some of our concerns may be expressed as follows:

1. The area is traversed by any number of existing roadways that are very important to Washington County.
2. There are many livestock improvements in the area including fences, water lines, water development, etc.
3. The entire area is contained in a BLM ACEC which was adopted as part of a management plan in April of this year and provides more than enough protection for any special features in the area.
4. There is a major utility corridor traversing the area that is not shown in the re-inventory study. This corridor includes the Intermountain Power Corridor that provides much power between Delta, Utah, and Los Angeles, California. Also the Kern River Gas line is in this corridor. This line provides natural gas to power generating plants in the Los Angeles area. Should this corridor ever need to be expanded, and the position of the County is to use existing corridors for utilities, rather than proliferating corridors throughout the area, it would be impossible for it to be expanded.
5. The Fish & Wildlife Service has identified nearly 80,000 acres of land in southwest Utah as critical habitat for the Desert Tortoise, in addition to the HCP area previously identified. The entire WSA is included in the habitat area. Wilderness designation may serve to severely handicap scientific efforts to

study the tortoise habitat with designation as wilderness.

6. The Beaver Dam Wash runs through the area from north to south. Any protected development along the wash would be threatened by designation as wilderness. The Beaver Dam wash is a major source of water in the desert atmosphere of Washington County, and extends into a similar geographic area in Nevada and Arizona, which lie to the south and west of the Utah State line.

7. Besides being totally devoid of wilderness characteristics, the proposed Beaver Dam Wash contains literally hundreds of millions of tons of high quality sand and gravel deposits. This area is considered to be the largest undeveloped resource of those materials in Washington County.

8. According to a Draft Environmental Impact Statement released by the Department of the Air Force, dated June, 1999, it suggests that overflights of F-22 aircraft from Nellis Air Force Base will impair any chance of peace and solitude in any WSA in western Washington County. This is a major training ground for low level flying aircraft in training for use in wartime situations in foreign countries. This training from Nellis Air Force Base, located nearby in Las Vegas, has been going on for many years. Its success has been noticeable in many military actions in recent years where low level bombing has taken place. Nothing in the designation of a wilderness area in southwestern Utah should impair the ability of the Military to continue to prepare pilots for National Defense.

9. Many roads are cherry stemmed throughout this WSA. The County opposes using cherry stemming to create wilderness when the guidelines for wilderness designation specifically prohibit this from happening.

Typical of the re-inventory evaluation that took place in our County regarding roads is one of the inventory sheets from the Beaver Dam area. It is only one of many similar comments, but stated in part as follows:

### III. Construction / Improvements:

Bladed X Graveled Culverts Surfaced Other

### IX. Conclusion:

Road Way X

With this kind of evaluation taking place in the re-inventory areas, this being only one small example of the total number of inventory sheets that we have reviewed and studied, how is it possible for the County to have any degree whatsoever of confidence in the re-evaluation process that has taken place. The entire process appears to us to be nothing more than a sham intended to reach a predetermined number of acres of land in Utah that could be designated as wilderness to satisfy the environmental community, regardless of the impact on the County, or the validity of the evaluation.

Similar evaluation sheets have been studied from the original environmental review. These were done at a time when there was no apparent pressure to find a certain number of acres. We find, in reviewing these field notes, that we concur in nearly all cases as to what should be designated and what should not. In our recommendation for wilderness designation in the 1995 bill that was introduced by Congressman Hansen, we were in full support of that bill, and would still support it 100%.

The primary purpose for designating this area appears to be for the purpose of including a representation of

the Joshua Tree in the Utah wilderness plan. Washington County already has a portion of an Arizona wilderness area not far from the Beaver Dam Area which contains the very same representation of Joshua Tree as is found in this WSA. The Joshua Tree range extends from southwest

Washington County to the western half of Arizona, the southern half of Nevada, and much of the eastern half of California. It is hardly approaching the threatened or endangered status.

## OTHER COMMENTS

The Washington County Commission has occasionally been charged as being unwilling to compromise in designating wilderness areas in this County. That is entirely false. It has historically been the position of this County to support multiple use of the public land in the County. Now, through designations that have not been in harmony with County policy, but which have become necessary through expediency, over thirty (30) percent of the total land area of this County has become designated for single purpose use. This includes nearly all of Zion National Park of about 150,000 acres. The National Forest wilderness area of over 50,000 acres. Three, and soon to be four State Parks, two Desert Tortoise habitat areas totaling approximately 150,000 acres, an Indian Reservation, and various ACEC's, all of which exceed thirty percent of the total County land area. Washington County has approximately 85% of the land in public ownership and about 15% of the land in private land. Of that private land, approximately 5 or 6 percent is located in the extreme north-east part of the County where access is limited to seasonal access and no permanent residents live. This leaves about 10% of the County to provide for the continual growth that is taking place. We are an island surrounded by public land, much of which is now identified for single purpose use. We feel that we have compromised just about as much as it is possible to compromise and still be able to sustain a liveable economy in this part of the State. We have been accused of many things, but one of them should never be that we have not been willing to compromise. We believe that there has been more compromise in Washington County than in any other County in the State of Utah, and in the Counties of most other western States.

A recent economic study conducted by Professor John D. Groesbeck Ph.D., from Southern Utah University, estimated the annual sales tax loss to Washington County due to lost mining and mineral extraction due to WSA designations as being in the range of \$1,051,231.00 per year. The estimated loss of revenue from water development due to WSA designations was estimated to be \$2,029,846.00. The estimated economic loss due to the loss of one time construction and development in the WSA area is estimated to be \$42,792,210.00. Washington County is not a wealthy County. The loss of income to the County because of WSA designation in the County is tremendous, and is impossible to make up from an economic base made up mostly of minimum wage jobs in the tourist service industry. Without industrial development taking place, Washington County is well on the way to becoming a financially depressed economy. Our average income is already well below the State average, which, in turn, is well below the National average. Washington County needs industrial development to survive financially.

Over the years we have studied wilderness proposals. We have held public hearings, we have held study sessions with all interested parties including the livestock industry, the recreation industry, the environmental community, State officials, Federal officials, and just about anyone who was willing to take the time to meet with us. We feel that we know Washington County just about as well as any individual, or group, that exists in this Nation. We continue to be willing to meet with anyone to discuss the wilderness issue in this County, and at the same time, we are so tired of studying wilderness that we are willing to go far beyond our normal desires in order to resolve the question once and for all and to see a bill approved in Congress that would satisfy the wilderness demands that are placed upon us.



One of our major concerns relative to wilderness designation in our County, and throughout the State, lies in the area of manageability. We have noted that, over the years there have been abuses of the land in some of the areas currently bearing WSA designation. We regret that any such instances have occurred. This is the basis for much of our concern. With the amount of land in the County being proposed for designation by the BLM re-inventory team and other environmental groups, we cannot see how it would be possible for the Bureau of Land Management, if they employed all of the BLM staff in the State of Utah right here in Washington County, to possibly manage and patrol all of the land proposed for designation. It is simply not possible. Therefore, it can be expected that there will continue to be degradation of some of the designated areas to the detriment of the intended designation by Congress.

It is a known fact that when someone or some entity has an "ownership" interest in something, it will be better taken care of than when they don't. This is true from the ownership of a single family home, to the ownership of a recreation vehicle, or to the designation of a wilderness area. We fully recognize that the public lands belong to the public. The residents of Washington County are only one small part of the public. However, we are the one small part that knows the land in detail. We are the ones that care most about the land because our future lives and those of yet unborn generations that may come after us are dependent upon us, the residents of this County, to be good stewards of the land.

Would it be better to indiscriminately designate land in Washington County as wilderness, with no concern for those who presently live here, only to satisfy an agenda for certain special interest groups, and recognize, that without local support, no army of bureaucrats can manage what people don't like and don't respect. Or, would it be better to work with the elected leaders of this County to develop a plan that is supported by those leaders, who in turn can generate the support of the other 85,000 residents of the County as to the benefit of designating certain specific areas as wilderness, or other special use areas, taking ownership of the plan, and supporting the efforts of the local BLM officials to manage and protect the areas so designated, thereby become stewards of the public trust that Congress envisioned when the Wilderness act was originally approved by Congress.

As the Washington County Commission, we are willing to work with the Congress of the United States to develop an acceptable and workable wilderness plan for this County. We would sincerely request that Congress enact a bill that would identify those areas that should be protected, and to which we can put our efforts in supporting in word, long range County plans, and citizen education.

Like most parties involved in the Utah wilderness issue, Washington County would like to see a final designation of BLM wilderness. We are willing to forego objections to many areas which clearly do not qualify under the requirements of the 1964 Wilderness Act. But we think that is important to ensure that completely unreasonable boundaries, such as those discussed herein, are avoided. We have listed specific problems with each area being considered, and which should be included in the record. Finally, it is important that the legislation bring to a closure to this issue so that we do not continue to revisit it for many years to come.

We would only request that the few recommended adjustments identified in this short document be made to the plan that is presently before the Congress, so that we can accomplish our part in ensuring its success. Then, when Congress is ready, at some future distant point of time, to further consider wilderness designation in this County, others in the same positions as we now hold, can see the benefit of working together for the benefit of all, and can continue through the years to be wise, cooperative, and understanding stewards of this great land in which we all live.

Your serious consideration and approval of the points brought out in this short document are immensely appreciated by the Washington County Commission, and the residents of this County.

Most Sincerely,

The Washington County Commission

Gayle M. Aldred, Chairman

Alan D. Gardner, Commissioner

James J. Eardley, Commissioner

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