

Committee on Natural Resources
Regarding HR 4823 Sedona-Red Rock National Scenic Area

June 7th, 2010

By

Holly Mabery

Sedona Verde Valley Association of Realtors®

The Sedona Verde Valley Association of Realtors® (SVVAR) consists of 650 broker and Realtor® members and 105 affiliate members. The association membership reaches across the geographic area known as the Verde Valley encompassing 714 square miles. The association and its members have been active in the economic development and growth of this region including planning and zoning issues as well as an active participant in the forest service management plan for the Coconino National Forest known as Amendment 12.

Thank you members of the committee for the opportunity to testify on behalf of the members of the Sedona Verde Valley Association of Realtors® and our clients. Since the idea for a National Scenic Area Designation (NSA) began in 1988, the association has been active in the discussion. We have been on record with opposition due to the long term complications such a designation would bring to our area, as well as the local control the designation would take away.

The city of Sedona sits in one of the most unique valleys in the world surrounded by the rising peaks of the Mogollon rim, Oak Creek running down from the mountains through a terrain of majestic red rocks. The city is unique in location, geography and its challenges. The city straddles two counties and is surrounded by forest service. The city is limited geographically by major routes in and out of the city. The city council has a long history of working with the forest service as do community business leaders and property owners. This came in culmination with the drafting of the Forest Service Management Plan Amendment 12. This plan brought all segments of the community together including the Sedona Verde Valley Association of Realtors®.

Amendment 12 addressed many special aspects of the Sedona area. It included management of hiking trails, off-road travel, wildlife and plant life, recreation and camping, archeology and commercial uses.

Most importantly, the Amendment introduced the policy that “will allow disposal of National Forest lands in the area only if high-priority private lands can be acquired in the planning area.” At that time, SVVAR worked with all parties to address the disposition and exchange. Currently the way Amendment 12 is written only privately owned land that is contained within the 160,000 acres may be exchanged for forest service land within that same area. The forest service most recently stated, they have acquired all the large privately held pieces within the area they desired. Amendment 12 has worked. No houses are going to be built on the side of the mountains or red rocks if the NSA is not enacted as some of the proponents of this designation claim. That was something no one in the community wanted and as a community we came together with the forest service to govern ourselves working out viable solutions. Amendment 12 has worked successfully since 1998. Red Rock District Ranger Heather Provencio believes the Forest Plan will likely stay for 25 years before another revision is undertaken.

The creation of the National Scenic Area designation places an additional unnecessary layer of control over an area that has already been shown to have good stewardship. The last two land exchanges that took place prior to Amendment 12 being put in place were voted on by the people of the area. These two exchanges resulted in Sedona Red Rock High School and the Sedona Cultural Park. Sedona would be the only municipality in the nation whose boundary is within a National Scenic Area. Given the track record of other NSA’s throughout the country, the un-intended consequences may be lengthy. We have mistrust of replacing what has been working with a designation that shown to be problematic in other areas of the country including the infringement upon private property rights.

NSA’s were enacted on the premise of preservation of open space, scenic land and resources (forests) but they have morphed into a tool of legally facilitated obstruction and delay of infrastructure needs of communities on all kinds of levels. The ongoing legal precedents for National Scenic Areas have national impact for all areas deemed “scenic”. For example:

1. Hood River School District (Columbia River Gorge NSA) finally gave up this year trying to acquire 20 acres for a school and they will have to purchase from a private owner for a more distant parcel.
2. SDS Lumber Co was stopped from developing a wind farm “near” the Columbia River NSA because critics of the wind farm said it would have bad impacts on the NSA’s view shed.
3. Mt. Pleasant NSA, Virginia, enacted language that outlaws all new roads with in the NSA.

4. CALTRANS, Mono Basin NSA, has struggled and fought for years for highway projects that the NSA has stalled or killed.
5. Sierra Club and friends are challenging the US Department of Energy on “energy grid corridors that are planned through what they call “scenic area”. Currently this area has not been designated NSA rather dubbed “scenic”.
6. There is evidence from a recent Appeal Court ruling in Oregon that private property rights will be infringed upon dramatically by NSA regulations.

Currently the legislation before you does not provide for new roads or upgrades to roads just maintenance within the area which again includes the only municipality as well as additional highly populated unincorporated areas of the county to be included in a NSA.

At this time the National Scenic Area for Sedona-Red Rock is proposed to encompass 160,000 acres. This would be the largest NSA in the country. The boundary proposed for this NSA comes 15 miles from Sedona south to the City of Cottonwood. Cottonwood is a town of approximately 11,000 people and is the commercial center of the Verde Valley. At present the proposed boundary would be within 2 miles of the Cottonwood city limits and .5 of a mile from state trust land that Cottonwood has designated for annexation. The Cottonwood City Council has voiced their displeasure with the current boundary. Cottonwoods Mayor and council would like the boundary reduced from such close proximity to the city limits.

The proposed legislation provides for the Secretary of Interior to file a map and boundary description after this designation has been put into effect. Again, this proposal is problematic given the size and scope of the designated area and that this bill would be in effect before the boundary is defined. Because the current boundary appears nearly arbitrary on a map, we have included a secondary recommendation for a proposed area.

I was born and raised in the Verde Valley. My great grandparents purchased 55 acres of land just south of Sedona in an area now known as Cornville in the 1940's. Much of my family owns land and operates business in the Verde Valley still today. My family has run cattle, farmed and been a part of the real estate industry. The future of the Verde Valley is as important to us as preserving the past and the scenic beauty. It is my belief as well as the position of the Sedona Verde Valley Association of Realtors

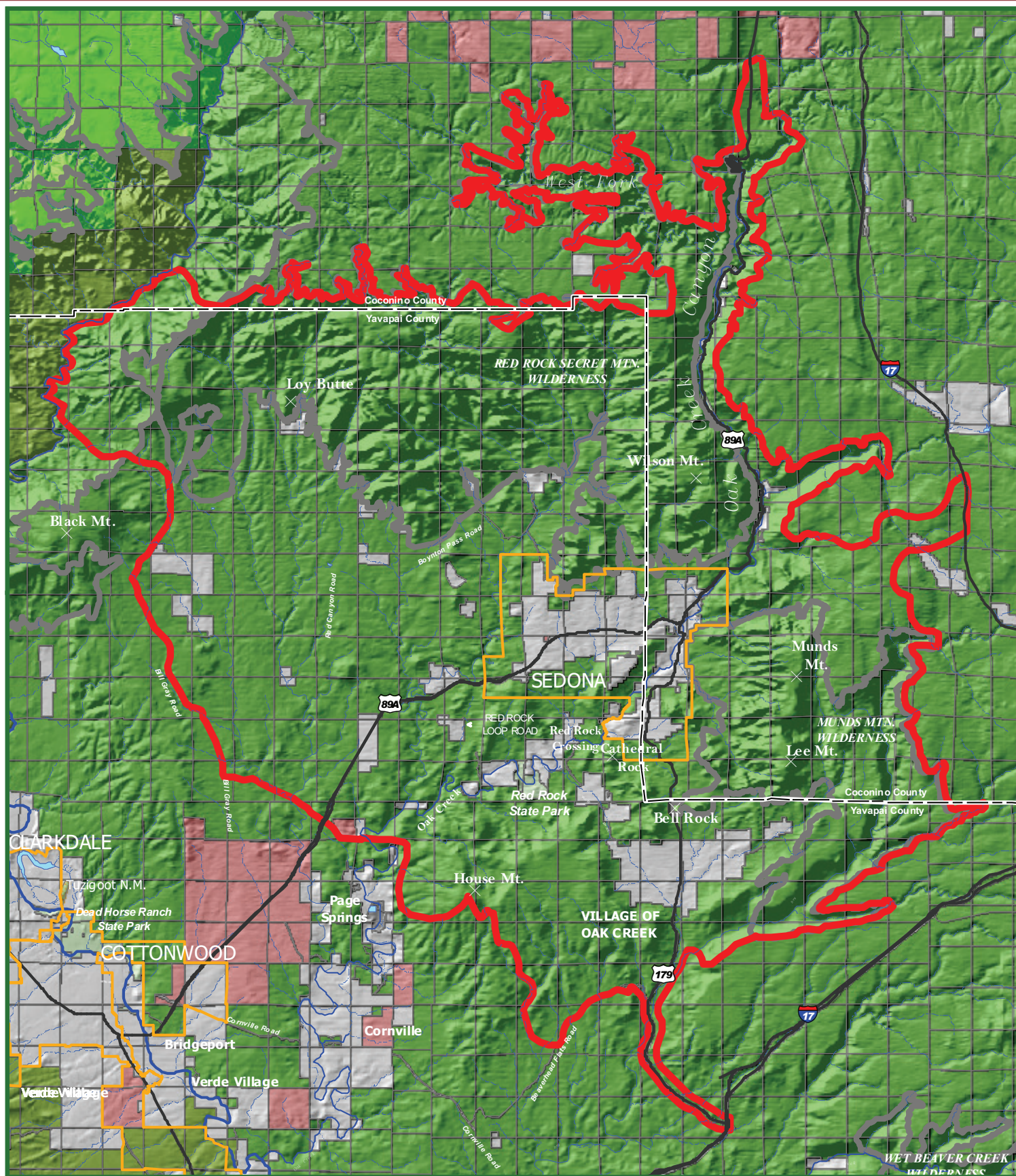
that the NSA designation is an extra unnecessary layer of government that can be twisted and used against the local municipalities, private property owners and businesses in the area. The historical precedent set forth by other NSA's throughout the country is evidence of this. The major concern of the proponents of this designation has been land trades. With the Forest Service adoption of Amendment 12 land trades and the management of this fantastic area has been defined. An additional layer of government this designation provides only leads to more confusion and concern.

A final example: In the last few years Oak Creek was sought to have the designation Scenic Water Way. This seemed like a good idea to protect the creek and its unique state. The city of Sedona worked on the sewer treatment plant and drinkable effluent was to flow in to tributaries that would feed in the watershed and Oak Creek. However, the city was stopped from this type of re-charge to the tributaries because of the special designation on Oak Creek. The city had to spend more money to put a sprinkler system together and "water" effluent over several acres of barren land and push water into the air for discharge. This effluent is of no use to anyone due to the location of the plant and limitations of the scenic water way designation.

Many times in the pursuit of what sounds like a good idea, government has over regulated its citizens, sometimes into a corner.

For additional review by this committee included please find letters from Unisource Energy Services, The Sedona 30 (a local community group) as well as previous release by Heather Provencio, Red Rock District Ranger. The concerns by the community continue to go unnoticed by the vocal few, I would submit the community has come together and spoken with regard to their wants and needs. That was in the form of Amendment 12. This designation is not needed.

Amendment 12 Area Map & proposed NSA boundary



Planning Area Overview

Coconino National Forest
Plan for the Sedona Area
Amendment 12

Legend

- Amendment 12
- County Boundary
- Interstate
- State highways
- Wilderness
- Section Lines
- Cities

- Private
- State Trust
- BLM
- Prescott N.F.
- State Parks
- Kaibab N.F.
- Coconino N.F.
- Indian Reservation
- National Monuments
- County Land



NOTE: Original Land ownership data, Streams and Wilderness Areas are from Arizona State Land Information System (ALRIS). Street information is from Yavapai County and Sedona Fire District. Every attempt was made to verify this information.

This map has been provided for informational purposes only and is not necessarily engineering accuracy. Every effort has been made to ensure this map is as accurate as possible. The City of Sedona shall assume no liability for the information.

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GIS, IT Division
102 Roadrunner Drive
Sedona, Arizona 86336
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/data/arcview/citizens/ksb/mxds/
planning_area_overview.mxd
02/24/2005 Updated 08/28/2009



Current NSAs and acreage with in each NSA.
 Sedona Red Rock NSA would be the largest at 160,000 acres

Table 1 - NSA Summary Information

NSA Summary Information						
National Scenic Area	State	Name of National Forest	Year Created	NFS Acreage	Other Acreage	Total Acreage
Mono Basin	CA	Inyo	1984	76,703	41,600	118,303
Columbia River Gorge	OR	Mt. Hood	1986	43,377	54,351	97,728
Columbia River Gorge	WA	Gifford Pinchot	1986	27,225	108,851	136,076
Beech Creek	OK	Ouachita	1988	6,200	1,300	7,500
Indian Nations	OK	Ouachita	1988	39,171	1,880	41,051
Coosa Bald	GA	Chattahoochee	1991	7,100	-	7,100
Mount Pleasant	VA	George Washington	1994	7,580	-	7,580
Saint Helena Island	MI	Hiawatha	2000	N/A	N/A	Saint Helena Island in Lake Michigan, Michigan, and all associated rock, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island
Mountaintown	GA	Chattahoochee	2007	N/A	N/A	
			Under consideration now	N/A	N/A	
Grandfather	NC	Pisgah				25,000



September 15, 2009

Tim Ernster
Sedona City Manager
City of Sedona
102 Roadrunner Drive
Sedona, AZ 86336

Dear Tim,

UNS Gas is the natural gas distribution provider for the Verde Valley area including the City of Sedona and the Village of Oak Creek. In addition to providing the natural gas for our customers to use, we are greatly involved in the community and have employees that are residents of Sedona.

We understand there has been an ongoing effort by several non-profit groups in the Sedona area to have the area designated as a National Scenic Area (NSA) by Congress. Proponents of the NSA claim that the designation will further protect the environment surrounding the Sedona area by enabling increased budget for maintenance and patrolling, as well as permanently disallowing prospects for further land trades in the area.

Amendment 12 of the Coconino National Forest Land & Resource Management Plan was written in 1998 to change the way the National Forest in the Sedona area was managed.

Amendment 12 currently keeps control of the resource management under the local jurisdiction. It is imperative that the local Sedona District Ranger and Coconino National Forest Supervisor continue to manage the forest. They are aware of current conditions within the forest, which may require short notice changes in management to ensure its preservation.

UNS Gas opposes the National Scenic Area designation for the Coconino National Forest surrounding the Sedona area, as well as any designations within the Sedona City Limits.

A management plan should be viewed as a work in progress, it requires continual monitoring and adjustment as data becomes available indicating the success or failure of a particular component of the plan. The NSA designation could strip the day to day management authority from the local jurisdiction. With loss of decision making authority the District Ranger would be unable to control forest usage to meet the changing conditions.



P.O. Box 2311 • Sedona • AZ 86339
www.keepsedonamoving.com

A RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF CFAR
(Citizens for an Alternate Route); May 19, 2004

The following resolution was moved and passed unanimously with the directive that it be conveyed to all local, county, state, and federal governmental representatives and delegation of the greater Sedona area:

Whereas there is a demonstrated need for an alternate route between Sedona and the Village of Oak Creek, and

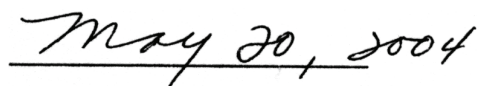
Whereas, two recent surveys of local residents conducted by the city of Sedona and by CFAR demonstrate very strong popular support for an alternate route at Red Rock Crossing, and

Whereas research already completed by Yavapai County and CFAR demonstrates that careful and cooperative work between governmental agencies including the city of Sedona, Yavapai County, and the U.S. Forest Service will be critical in order to meet budgetary, environmental, and political requirements to accomplish an alternate route, and

Whereas a proposal to establish a National Scenic Area (in the same geographical area as defined by Amendment 12 of the plan for Coconino National Forest) would create a new federal authority and controls which could impede and possibly thwart the establishment of an alternate route,

Therefore, the Board of Directors of CFAR strongly opposes the establishment of National Scenic Area in the greater Sedona area.


Nancy Scagnelli, President



Alternative Map Boundry



Legend

County Boundary	Private
City	State Trust
Interstate	BLM
State Highways	Prescott N.F.
Major Roads	State Parks
Local Roads	Flagstaff N.F.
Amendment 12	Coconino N.F.
Wilderness	National Preservation
Sedona Lines	National Monuments
	County Land



NOTE: Original Land ownership data, Streams and Wilderness Areas are from Arizona State Land Information System (ALRIS). Street information is from Yavapai County and Sedona Fire District. Every attempt was made to verify this information.

This map has been provided for informational purposes only and is not necessarily engineering accuracy. Every effort has been made to make this map as accurate as possible. The City of Sedona disclaims any liability for the labor.



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Planning Area Overview

Coconino National Forest
Plan for the Sedona Area
Amendment 12

****News paper article quoting Heather Provencio, Red Rock District Ranger****

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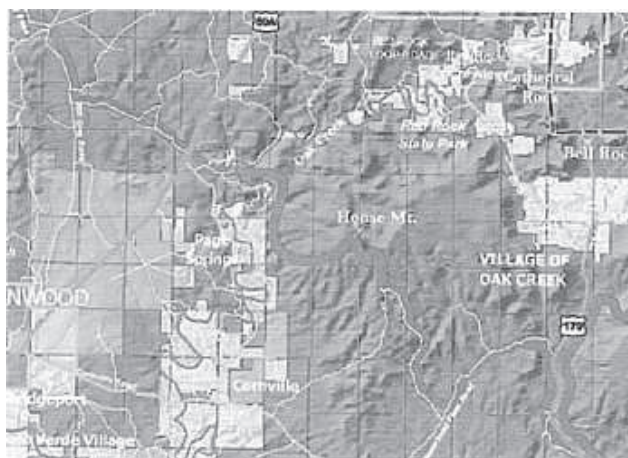
Online news source for Cottonwood, Arizona & Verde Valley communities

Cottonwood concerned about Sedona NSA

By Jon Hutchinson

Staff Reporter

Tuesday, November 24, 2009



COTTONWOOD -- Little about the Forest Service administration would change if the Red Rock Ranger District were to be designated as a National Scenic Area under the current draft legislation, the District Ranger told the Cottonwood City Council Tuesday.

But, Heather Provencio said that an NSA takes the specific form of its enabling legislation and that could still change before it becomes law. Congresswoman Ann Kirkpatrick, who says she will sponsor the bill, has asked for public input into the process into her office before Dec. 1.

Keep Sedona Beautiful has been spearheading the legislation for years, in order to preserve the land exchange restrictions in the Coconino forest Amendment 12. That amendment creates specific instructions for the Red Rock Ranger District in the Coconino Forest Plan. As the Coconino Forest plan is currently being update, Provencio says the Amendment 12 will be included.

The NSA would make those restrictions permanent.

Provencio told the council the Forest Service must remain neutral over the proposal. Others who spoke were clearly opposed.

One was Bob Gillies, who preceeded both Provencio and Ken Anderson as Ranger when it was called the Sedona Ranger District.

He told the council that the boundary used to define the National Scenic Area was created as a planning tool by the Forest Service and "does not make a good boundary for the NSA."

Legislation, according to Gillies is a lot more difficult to change than a forest plan, which allows for future "flexibility." He told the meeting that, "I fear the things that could slip into the bill that were not intended."



Ron Volkman, who lives at the north end of Bill Gray Road, told the meeting that "there is no land exchange problem here. These are 'imaginary fears.'"

Volkman cited his own research saying, there have only been two recent exchanges within the district of Forest Land. Those exchanges provided land for the Sedona Cultural Park and Sedona Red Rock High School. All other recently exchanged lands have actually added private property to the Coconino Forest, mostly former rural ranches, said Volkman.

He cited cases in which utility projects within, or just-even near existing National Scenic Areas have been frustrated for years and eventually abandoned. "People will be surrendering authority to Congress. Local control does matter," said Volkman.

All eight of the existing national Scenic Areas total 380,000 acres, but the Sedona NSA would total 160,000 acres by itself, said the NSA opponent.

He warned that some future group will use the legislation as ammunition for litigation and that the boundary for the National Scenic Area would lie

within one mile of Cottonwood, should it annex state trust land.

Mayor Diane Joens asked if Cottonwood could request that the NSA boundary be moved closer to Sedona and away from Cottonwood.

The City of Sedona is already asking that wording be included that would continue to allow municipal projects and utilities within the forest land.

Related Links



Coconino National Forest, USDA Forest Service

October 1, 2008

Sedona National Scenic Area Proposal

Issue: National Scenic Area Designation. A Sedona citizen's committee sponsored by Keep Sedona Beautiful (KSB) is proposing a congressional designation of 160,000 acres of the Red Rock Ranger District as a National Scenic Area.

Background: Management of a specially designated area is governed by the legislation that creates it. Consequently, the most important consideration in evaluating a special designation is the language of the legislation itself.

The greater Sedona Community's interest in a special designation goes back a number of years when the Forest Service initiated the planning process that culminated in Amendment 12 to the Coconino National Forest Plan. Some individuals wanted to pursue a special designation in advance of the amendment process. The Forest Service convinced these individuals that it was advantageous to first address and arrive at as many solutions as possible through an issue resolution Forest planning process, resulting in Amendment 12. From a Forest Service and community perspective Amendment 12 has proven to be successful in leading to a broad based community agreement on resolution of a number of issues. The current KSB committee draft of special legislation strongly reflects the provisions of Amendment 12.

From a National Forest managers' perspective:

- It is critical that the community stay active in the entire legislative process to ensure the original intent of the proposal is being met.
- A special designation like an NSA would likely reduce the Forest Service and community's flexibility in managing local issues.
- The land exchange/land trade issue is clearly the most prescriptive in the draft legislation. The prescription represents a lot of hard work and meaningful visioning on the part of the community and the FS. Conditions do change and creative solutions are often needed.
- A special designation with its increased profile would likely increase visitation. The community of Sedona is dependent upon tourism although, land stewardship and public service would need to be kept commensurate to an increase in pressure on the local natural resources.
- A NSA is likely to have increased user fees in the event user fees are authorized through legislation.
- Providing legislation does not change Amendment 12 or planning regulations, there would be no change in outcomes on various projects like Hwy 179. However, we are seeing various groups using a potential NSA designation to take positions "for or "against".

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Current Action: KSB has proposed legislation to the Arizona Congressional delegation. The Forest Service will continue to work with the KSB committee and others in the planning and dialogue of this proposal.

Contact: Heather Provencio, Red Rock District Ranger, 928-203-7501, hprovencio@fs.fed.us

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THE SEDONA 30

PO Box 1809 Sedona, AZ 86339

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March 20, 2006

The honorable Senator John McCain
4703 S. Lakeshore Drive
Suite 1
Tempe AZ 85282-7159

Dear John McCain:

The Sedona 30 is opposed to a National Scenic Area designation for the Sedona area.

The Sedona 30 is an Arizona, non-profit corporation. The purpose of the Sedona 30 is to further the promotion and support of projects and programs for the betterment and lasting benefit of the community of Sedona and its environs.

The membership of the Sedona 30 includes business and community leaders. Current membership totals approximately 50.

There has been an ongoing effort by several non-profit groups in the Sedona area to have the area designated as a National Scenic Area (NSA) by Congress. The effort has been endorsed by a majority of the current City Council. Proponents of the NSA claim that the designation will further protect the environment surrounding the Sedona area by enabling increased budget for maintenance and patrolling, as well as permanently disallowing prospects for further land trades in the area.

Amendment 12 of the Coconino National Forest Land & Resource Management Plan was written in 1998 to change the way the National Forest in the Sedona area was managed.

Amendment 12 currently keeps control of the resource management under local jurisdiction. It is imperative that the local Sedona District Ranger and Coconino National Forest Supervisor continue to manage the forest. They are aware of current conditions within the forest, which may require short notice changes in management to reduce threats from natural events as well as over use.

Proponents of the NSA are fearful that rules specified in Amendment 12 may be discontinued after a period of time and that management strategies could be changed.

The Sedona 30 opposes the National Scenic Area designation for the Coconino National Forest surrounding the Sedona area.

First of all, the designation would likely result in an increase in the number of visitors to the National Forest. Increased visitation would require increased management to preserve the quality of the forest, prevent unnecessary damage to vegetation and wildlife, and slow deterioration of existing trails due to increased usage.

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While a short term increase in tourism may be appreciated by local businesses, the long term deterioration of the forest due to increased usage could eventually lead to a significant loss of revenue as overcrowding deteriorates the quality of the tourist experience.

A management plan should be viewed as a work in progress. It requires continual monitoring and adjustment as data becomes available indicating the success or failure of a particular component of the plan. The NSA designation could strip the day to day management authority from the local jurisdiction. With the loss of decision making authority the District Ranger would be unable to control forest usage to meet the changing conditions.

There is no guarantee that legislation proposed by local groups would end up as law. Congress could easily change the language during debate to a bill quite different than that proposed. Limitations in private property use could easily be placed into the legislation. Local input into the legislation and management could easily be lost.

NSA legislation for the Sedona area could render future acquisitions by local governmental agencies impossible. In the past Sedona has acquired necessary land from the U.S. Forest service for such uses as wastewater disposal and school sites. An NSA designation could make those kinds of acquisitions impossible. The potential for future road improvements could also be jeopardized.

All in all, we see no need for increased governmental restrictions placed on the land surrounding Sedona. We feel that the local jurisdictions currently have adequate influence to ensure that the land is protected within reason.

Respectfully,



Ron Martinez
President