

United States Department of the Interior Bureau of Land Management

Decision Record Environmental Assessment DOI-BLM-UT-C030-2020-0004-EA

November 2020

Long Valley Road Extension Right-of-Way

Location: Salt Lake Meridian, Utah
T. 42 S., R.14 W.,
sec. 31;
T. 43 S., R.14 W.,
sec. 6;
T.42 S., R.15 W.,
sec. 36

Applicant/Address: Washington City
1305 East Washington Dam Road
Washington, Utah 84780

St. George Field Office
345 East Riverside Drive
St. George, Utah 84790
Phone: 435-688-3200
Fax: 435-688-3252



DECISION RECORD
Environmental Assessment
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Long Valley Road Extension Right-of-Way

The Bureau of Land Management has selected to implement the Proposed Action. The St. George Field Office will approve the Washington City and Brennan Holdings, LLC's application for the proposed ROW extension for the Long Valley Road area.

Authorities: The authority for this decision is derived from the statutory and regulatory responsibilities regarding ROWs under the Federal Land Policy Management Act (FLPMA)(43 USC 1761).

The **period of construction** would take place in four phases as shown below. The first three phases would be completed between 2021 and 2025 (approximately 60 weeks of actual construction).

- Phase 1—Grading and utility installation: spring of 2021
- Phase 2—Road-base gravel of graded surface: fall of 2021
- Phase 3—Pave two lanes (24 feet wide): fall of 2025 or upon completion of the planned Interchange 11 (3650)
- Phase 4—Pave additional traffic lanes: as needed but not before 2030

Applicant Committed Environmental Protection Measures (EPMs) that are included in **Section 2.2.1** of the EA and would be followed during construction, operation and maintenance of the Proposed Action.

Plan Conformance and Consistency: The Proposed Action has been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

St. George Field Office Record of Decision and Resource Management Plan 1999 amended 2016:

LD-12 (pg 2.3): *Applications for new rights-of-way on public lands will be considered and analyzed on a case-by-case basis. Proposals would be reviewed for consistency with planning decisions and evaluated under requirements of the National Environmental Policy Act and other applicable laws for resource protection. Mitigation needed to avoid adverse impacts will be integrated into project proposals and, where appropriate, alternatives identified to further reduce environmental impacts to lands, resources or adjacent land uses.*

LD-13 (pg 2.3): *All new rights-of-way will be subject to applicable standards listed in Appendix 1 for surface disturbing activities. Where needed, wildlife seasonal use restrictions will apply to right-of-way construction. Rights-of-way will generally remain open to other public uses that do not conflict with the purposes for which the rights-of-way are established.*

The relevant management goals and objectives about special-status plant species include those for dwarf bear-poppy (*Arctomecon humilis*), Siler pincushion cactus (*Pediocactus sileri*), and Holmgren milkvetch (*Astragalus holmgreniorum*) detailed in the SGFO's ROD/RMP.

Objectives for dwarf bear-poppy and Siler pincushion cactus include the following:

- a. *BLM will continue to implement existing recovery plans, habitat management plans, and the Washington County Habitat Conservation Plan as they apply to these two species. Among other things, the plans call for monitoring and studies, habitat consolidation, selected fencing, public*

education, signing, law enforcement, and protection from mining, off-road travel, and other forms of impacting land use

- b. The Red Bluff and Warner Ridge/Fort Pearce habitat areas will be designated and managed as Areas of Critical Environmental Concern (ACECs). Specific prescriptions that will be applied to these areas are described in the section of this plan on ACECs under Special Emphasis Areas*
- c. To reduce conflicts and additional disturbance, habitat areas will be designated as rights-of-way avoidance areas and closed to fuelwood and mineral materials sales. Plants will be protected by restricting mountain bike use and off-road vehicle travel to designated roads and trails. (BLM 1999, 2.23)*

Objectives for Holmgren milkvetch include the following:

- a. In collaboration with interested local, state, and federal agencies, institutions, and Indian tribes, BLM will prepare conservation agreements and strategies designed to stabilize declining populations and promote protective management to ensure survival of the species*
- b. To reduce conflicts and additional disturbance, habitat areas will be designated as rights-of-way avoidance areas and closed to fuelwood and mineral materials sales. Plants will be protected by restricting mountain bike use and off-road vehicle travel to designated roads and trails (BLM 1999, 2.23)*

The management goals and objectives for special-status species that apply include the following:

BLM will manage public lands to meet the goals and objectives of recovery plans, conservation agreements and strategies, approved activity level plans, and the Washington County HCP Implementation Agreement related to the recovery of special-status animals in Washington County. As part of its plan implementation, BLM will work with its partners to promote public education on species at risk, significance to the human and biological communities, and reasons for protective measures that will be applied to the lands involved. BLM's objective will be to collaboratively manage habitat for federally-listed species so as to achieve recovery and delisting. Approved recovery plans will guide management decisions. Recovery plan actions already implemented will be evaluated for effectiveness in achieving desired effects and revised where studies show objectives have not been met. BLM will also collaborate with appropriate local, state, and federal agencies in the management of habitat for non-listed special-status animal species with the objective of eliminating the need for additional listings. Management actions will be guided by conservation agreements and strategies. Special attention will be given to those animals listed as "sensitive" under the Utah Sensitive Species List maintained by the Utah DWR.

BLM will work collaboratively with local, state, and federal partners to accomplish the goals and the objectives of the Washington County HCP and Red Cliffs Desert Reserve. Major goals include the preservation and protection of the desert tortoise and its habitat so as to achieve full recovery of the tortoise as well as other listed or sensitive species found within the Upper Virgin River Recovery Unit.

- FW-10 (pg. 2.25): Critical habitat for federally-listed species and habitat for candidate species will be designated right-of-way avoidance areas and closed to mineral materials sales. Appropriate use restrictions affecting off-road travel, mineral leasing, mining, recreation, occupancy, and fuelwood sales will be employed where needed to accomplish conservation and recovery objectives.*

FW-14 (pg. 2.26): *Section 7 consultation with the FWS will be required for any action that might affect federally-listed species or associated critical habitats.*

Finally, the RMP's management goals and decisions related to Warner Ridge/Fort Pearce Area of Critical Environmental Concern (ACEC) are as follows:

AC-03 (pg. 2.62-2.63): *The Warner Ridge/Fort Pearce ACEC encompasses 4,281 acres. This area contains the endangered dwarf bearclaw poppy, the threatened Siler pincushion cactus, important riparian values along the Fort Pearce Wash, historic sites, and highly erodible soils, all of which are at risk from off-road travel, road proliferation, urban growth, and human encroachment. The area also contains essential habitat for waterfowl, the gila monster, spotted bat, raptors, and other nongame species which have suffered from habitat loss caused by urbanization and development in the St. George area. The following prescriptions will be applied to protect and improve these values:*

b) The area will be closed to fuelwood and mineral materials sales and designated a right-of-way avoidance area. BLM will work with sponsors of the Southern Transportation Corridor to define an environmentally preferred route through the area that will minimize impacts to the resources being protected.

d) Motorized travel will be limited to designated roads and trails. Fencing, barricading, and signing will be employed as necessary to eliminate unauthorized vehicle access and impacts to protected resources.

Alternatives Considered: In addition to the Proposed Action, a No Action alternative was analyzed in the EA. Under the No Action alternative, the Proposed Action would not take place and the right-of-way extension would not be approved. The No Action alternative would not meet the purpose and need for the action.

Alternatives Considered but Eliminated from Further Analysis: No additional alternatives were considered. Due to the topographical features of the area and the location of the Southern Parkway, including the planned 3650 South Interchange, no other alternative would reasonably meet the purpose and need of the project; therefore, the only alternatives considered in this EA are the Proposed Action and the No Action Alternative.

Public Involvement and Comments: The BLM issued a news release on September 29, 2020, announcing the release of the Draft EA and initiating the 30-day public review and comment period, which ended on October 27, 2020. The Draft EA was available on the BLM's ePlanning website during the public review and comment period. Two respondents provided eighteen comments during the public review and comment period. The comments and responses are presented in Appendix E of the Final EA.

Rationale for Decision: The decision to implement the Proposed Action, as described and analyzed in the EA, is made because it best meets the purpose and need of the BLM, Washington City, and Brennan Holdings, LLC. No other alternative considered would be as effective as the Proposed Action at meeting the purpose and need for the action. The Proposed Action conforms to the existing land use plan. The primary purposes and key elements of the Proposed Action are encapsulated in the following purpose and need descriptions:

Washington City and Brennan Holdings, LLC's primary purpose and need for the proposed Project are:

1. To provide the required secondary access route to the proposed Trails at Long Valley master community, and;
2. To alleviate future traffic congestion that may be generated by the proposed community.

The BLM's purpose is to respond to Washington City and Brennan's application for the proposed ROW grant for the extension of Long Valley Road to provide principal access and utilities and to meet Washington City's requirements for traffic circulation to the 2,000 units that would be developed at the planned Trails at Long Valley master community. The need is established by the BLM's statutory and regulatory responsibilities regarding ROWs under the Federal Land Policy and Management Act (43 U.S. Code [USC] 1761).

Protest/Appeal Language: This decision shall take effect immediately upon the date it is signed by the Authorized Officer [November 10, 2020], and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay. Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at St. George Field Office, 345 East Riverside Drive, St. George, Utah 84790. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

Keith Ripton

Authorized Officer

11/10/2020

Date