

## RAC Meeting Minutes

May 1-2, 2007

May 1, Price, Utah (field tour)

May 2, Castle Dale, Utah (meeting)

### RAC members in attendance:

Carl Albrecht (May 2 only), Norm Carroll, Mike Jenkins, Lowell Braxton, Ray Bloxham, Ashley Korenblat, Riley Cutler, Jerry Spangler, Gordon Topham, Drew Sitterud (May 2 only), Fee Busby, Tom Clawson, Lynn Stevens, Manuel Morgan

### BLM employees in attendance:

Sherry Foot (Designated Federal Officer, for Selma Sierra on May 1 only), Selma Sierra, Wayne Ludington, Julie Howard, Brad Higdon, Mary Wilson, Dennis Willis, Cornell Christensen, Julie Kale, Suzanne Garcia, Robin Fehlau, Maggie Wyatt, Sue Fivecoat

### Members of the public:

Listed on public register (upon request)

## **May 1**

### **Field Tour of Nine Mile Canyon**

Nine Mile Canyon is actually 70 miles long, not nine. There are several stories about how the canyon got its name. The most accurate account took place when John Wesley Powell was exploring Utah in 1869. The expedition's cartographer used a nine-mile transect for mapping and the Canyon retained that name. While the canyon includes all types of archaeological sites, it is the abundance of well-preserved rock art that makes Nine Mile Canyon most famous.

Nine Mile Canyon has been proposed for nomination to the National Register of Historic Places for nearly 30 years. Renowned as "The World's Longest Art Gallery" Nine Mile Canyon contains more than 800 documented prehistoric sites, more than 80 percent of which have rock art images. In 2005, the Nine Mile Canyon Coalition, with a grant from the National Trust for Historic Preservation, contracted with the Colorado Plateau Archaeological Alliance to write the description section of the nomination form. BLM worked with the SHPO and the NMCC to define a boundary for the archaeological district; it now includes that area of the canyon with recorded eligible archaeological sites.

Also taking place in Nine Mile Canyon is the West Tavaputs Plateau natural gas full field development plan. Bill Barrett Corporation (BBC), in conjunction with other operators, proposes to develop the natural gas resources of the West Tavaputs Plateau in Duchesne and Carbon counties, approximately 30 miles east-northeast of Price. Surface ownership in the 137,700-acre project area is approximately 87% federal, 8% state of Utah (SITLA), and 5% private. Over a period of 8 years, BBC proposes drilling up to 807 natural gas wells on 538 locations in the EIS analysis area. The proposal would develop a gas field

in which drilling has been ongoing since the 1950's. To date, over 100 gas wells have been drilled within the analysis area, most of which are currently producing or capable of production. Thirty eight wells were previously analyzed for drilling in the project area in the West Tavaputs Drilling program EA, approved 7/29/04. Another relevant EA, the Stone Cabin 3D Seismic Survey EA, involved some of the same lands that are proposed for development. With the passage of the Energy Policy Act of 2006, additional natural gas development which meets certain criteria was provided for without further environmental impact analysis under statutory exclusions. An existing sales gas pipeline is already located in Nine Mile Canyon, but the natural gas pipeline gathering system on the plateau would be extended to accommodate the expanded gas production. The existing road network would likewise be made more extensive. Principal access to the project area would be on existing roads from Price through Nine Mile Canon or from Roosevelt/Myton through Gate Canyon to Nine Mile Canyon. (Notes taken from Price FO, Brad Higdon, updated April 2007 Summary).

## **May 2**

San Rafael Conference Room, Emery County Courthouse (75 East Main, Castle Dale)

### **What's Happening in BLM Utah**

Selma Sierra (State Director)

-The record of decision on the Oil Shale Project in Utah should be moving forward--prospects are promising.

-BLMs Budget - Not expected to increase. We did, however, receive additional funding for our land use planning efforts and for energy development.

-Utah's management team will be meeting in 2 weeks to discuss "Managing for Excellence." Managing for Excellence presents a set of management concepts intended to provide better and more consistent service to the public. This increasing mission demands that we find new, innovative and increasingly effective ways to deliver land management service the American public demands. As part of this initiative, the BLM will be changing the organizational structure to 3-tier. Our proposals are to be sent to the Washington Office by August 17; however, we would like to submit our proposals earlier than the required due date.

-Planning process - SD is making sure that we will continue to be on schedule. Six plans to be completed and ROD (record of decision) signed in June 2008.

-AWP (annual work plan) submitted to WO for approval

-Suggestion was made by the RAC to resubmit the letter to BLM Washington from the RAC regarding the recreation and enforcement funding for Utah. Motion made and seconded by Lynn Stevens. Gordon Topham, Chairman, will follow up on this.

-SD has been visiting the field offices looking at the challenges they face as well as the opportunities.

-In June, the ELT (Executive Leadership Team which is made up of the State Directors of BLM, as well as, leadership in Washington Office) will be in Utah. SD will express Utah's concerns to this group.

-RAC shared their concerns and interest in making sure that communication is consistent throughout the BLM offices, communities, and with the employees.

-SD is aware that there are attrition concerns within the offices and the BLM Acting Director is trying to look at using various “tools” to keep and recruit employees. Hosted workers may be a good option.

**Factory Butte Temporary Restriction Order**

Cornell Christensen (Richfield

FOM) and Sue Fivecoat (Power point presentation)

History - Henry Mountains Management Framework Plan (MFP) approved 7/21/1982. Identified special ORV high use area near Caineville and the need to determine boundaries/post signs. Addressed ORV use in the Blue Hills and the need for clearly identified, monitored and enforced boundary. This ORV high use area identified was 640 acres and has become known as Swing Arm City. The Decision deferred closing the area north of Highway U-24 to ORV use until studies were conducted to provide a better basis for determining the need and boundary should and ORV closure designation be warranted.

ORV Implementation Plan, 1988 - spoke to concerns about resource damage from ORV use occurring in and around Neilson Wash and stated that the area would be closed if warranted.

ORV Implementation Plan EA, 1990 - carried forward MFP designations; addressed concerns from ORV use (Neilson Wash) and that the area would be closed if warranted. The MFP and ORV plan designated as “open” as specific 640-play area but left the surrounding area open as well. Over the years, OHV use has expanded even beyond these areas and adverse effects upon T&E species have been documented.

Lawsuit, 1999-- BLM's failure to act to protect public lands from damage caused by ORV use. 3 claims were filed; Claim 1 pertained to WSAs; Claim 2, BLM failed to implement provisions of it existing land use plan related to ORV use; Claim 3, BLM failed to take a hard look at whether (pursuant to NEPA) supplemental environmental analysis need to be done for areas in which ORV use had increased. District Court dismissed all 3 claims. 10<sup>th</sup> Circuit reversed the District Court on all claims. In 2004, the suit was heard by the U.S. Supreme Court who dismissed all 3 claims.

Monitoring of Erosion and Cactus - photo monitoring; Godfrey soil pits; increased cactus inventory/monitoring. Photo monitoring plots were established and are still being taken by Tim Finger. Andy Godfrey assisted in established several soil pits to begin gathering soil and erosion data. In cooperation with CRNP, addition cacti inventory/monitoring has occurred each season since 2000.

Petition to initiate immediate closure of the Factory Butte Area to ORVs, 2005 - Request that 170,700 BLM acres be addressed, with 1000 acres open. Approximately 14 routes would be designated open to ORVs. Request for assistance from the RAC - RAC formed a subgroup. They met over the course of nine months. Lot of good ideas and dialogue occurred during meetings. Subgroup and RAC were unable to come forward with one recommendation for the BLM.

2006 Factory Butte Cactus Surveys - (objectives) - Confirm previous inventory records; cacti significance in Neilson Wash, Coal Mine Wash and North Caineville Reef; Loop possibilities from Swing Arm City around Factory Butte; from Hwy 24 behind Reef to Factory Butte and Swing Arm City. FO felt strongly that action needed to move forward and more info was needed regarding the Cacti.

FRN of OHV Travel Restriction for Factory Butte, UT, published 9/20/06. These restrictions were effective immediately upon publishing in the federal register and will remain in effect until the threat to the resource can be resolved. (2602 acres open to cross-country motorized use, area known as Swing Arm City; 142,023 acres limited to designated routes; 3,843 acres of North Caineville Mesa remains closed to protect the ACEC).

We need to effectively enforce restrictions and there is a need for additional educational materials, maps and amenities (preparation of NEPA document to authorize these infrastructure improvements).

Other on-going issues: Developing monitoring plan (We've requested assistance from USGS, Fee Busby, Heidi Hadley, and Lisa Bryant) and Factory Butte OHV Lawsuit filed (Preliminary hearing scheduled for early June).

**National Register - What it is and isn't!** Wilson Martin, Utah Historic Preservation Officer

National Register of Historic Places is the official federal list of properties that are significant in American history, architecture, archaeology, and engineering. This is primarily an honorific designation intended to recognize important buildings, structures, and sites and to encourage their preservation.

Benefits: Recognition; Rehabilitation Tax Credits; Grants; Loans; Building Code Leniency; Local Zoning Variance; Rehabilitation Advice

Restrictions: Contrary to some rumors, there are no restrictions associated with National Register listings. Owners do not have to open their buildings to the public nor do they need anyone's approval for anything they do to their buildings. These listings do not affect the property taxes or how the buildings may be used. Local preservation ordinances, where present, may have some implication for buildings listed on local registers, but the local register process is entirely separate from the National Register process. Most cities in Utah do not impose restrictions on historic building owners; those that do usually limit their control to the exterior.

Contact the Utah State Historic Preservation Office/Utah Division of State History (Cory Jensen, 801-533-3500) or visit SHPOs website at [history.utah.gov](http://history.utah.gov). National Register website: [www.cr.nps.gov/nr/index.htm](http://www.cr.nps.gov/nr/index.htm)

**Public Comments:** RAC Chairman read letters sent prior to RAC meeting, regarding the Nine Mile Canyon National Register, from Ernest Kuncel and Douglass and Jean Bills - promoting the nomination to be included in the National Registry system. An additional letter was sent to the Council (but arrived after the scheduled meeting date and is to be included as part of the minutes) from Tyler Kokjohn supporting the request in the National Register.

Pam Miller, Nine Mile Canyon Coalition Chairperson - Gave the history of the Coalition and how this group and its partners were involved in surveying the archaeological sites in the Canyon. There is broad public support that Nine Mile Canyon deserves to be nominated into the National Register.

Steven Hansen, Nine Mile Canyon Land Owner - stated that this nomination does not affect the owner in any way. Mentioned that the Hopi's are concerned with the archiving of cultural heritage in the canyon. Stated that partners are important in helping fund the nomination. He supports the nomination to the Register

Steve Tanner - Nine Mile Canyon Coalition - Disappointed with tour, thought it was targeted toward gas exploration. Missed opportunities to learn a lot more. Move forward with nomination to the Register.

Ray Petersen, Emery County Public Lands Dept. - Expressed his concerns about the endangered cactus at the Wedge Overlook. BLM wanted to minimize cross-country travel and dispersed camping in this location. It hasn't been fully resolved in how to do this. He's also accepting comments on how this should be done.

Ivan White, CVAS(Castle Valley Archaeological Society) - Retired to Price because of interests in archaeology and paleontology. He has done traffic surveys in Nine Mile Canyon and in 5 hours, 75 heavy-vehicles were tracked utilizing the canyon and in 4 hours, 60 light-vehicle traffic was counted. Supports the nomination to the Register.

Rex Sacco, Public Lands Director, Carbon County - Provided RAC Chair and State Director with a letter (added to minutes). He has problems with the nomination at this time. Felt there is not enough time to help make decisions. Needs more information. Opposes nomination.

Bill Walsh, Nine Mile Canyon Coalition - Stated that the Duchesne/Uintah County Commission supports the nomination. (A suggestion was made to have the RAC form a subgroup to further look at the nomination) - he felt that this would be a good idea.

Jim Felton, Bill Barrett Corp. (property owner) - He stated that he spoke with the Duchesne/Uintah County Commission and they were a little uninformed about the process. Comment by Jerry Spangler that they (Duchesne/Uintah Commission) did support the nomination -- Commissioner Sitterud was told, as public comment period was coming to a close, that they "did not."

Manuel Morgan, RAC Member, Native American Tribes - Addressed the Coalition asking them how they were protecting the rock art as there was spray paint over some of the rock art. If there is Hopi support, where are they? There needs to be information provided to the tribes in a proper manner. Nine Mile Coalition Chairperson stated that their goal is to continue to educate the public. They stated that the spray painting over the rock art was done by the land owner. She also mentioned that there are two members of the Ute tribe on the Coalition. Lynn Stevens, RAC Member, State Agency - stated that there needs to be more contact with the Navajo's to get involvement.

## Utah's Fee Proposal Protocol and Guidelines

Gordon/Tom

Gordon asked for a motion to accept and approve the Utah Recreation RAC Protocol. Ashley moved the motion, Lowell seconded--Protocol was approved and signed by the RAC Chairperson on 5/2/07. Gordon mentioned that we will need to set up 2 dates, in advance, for review of fee proposals (sometime in January and June).

## Recommendation on Moab's Fee Proposal

Gordon

(Presentation was given to the RAC at last meeting.) Riley made a motion to move forward with Moab's proposal, Carl seconded motion. Moab can go forward with their proposal.

## Fee Site Presentations

Price Field Office

Cleveland Lloyd was not ready to submit their proposal at this time. Desolation Canyon Fee Proposal was presented by Dennis Willis, Price Field Office (power point presentation and handout - upon request). Proposing a fee increase for 2008. **A \$20** application fee is due at the time you make the launch reservation. This fee will be waived for reservations made less than 30 days before the launch date; **The** permit fee would be \$25 per person. This fee must be received at least 30 days prior to the launch date. Failure to pay the fee within 30 days of the launch will result in cancellation of the reservation. For reservations made within 30 days of the launch date, permit fees must be paid at the time of reservation; **A \$10** transaction fee will be charged whenever permit fees are paid after the reservation is made; **Screen** cabins are available at the Sand Wash launch site on a reservation only basis. If you are camping at Sand Wash the night before you launch and you want to use a Screen Cabin, it may be reserved for a fee of \$20/night; **After** 2009, the per person fee will be tied to the BLM Director's Fee Schedule. The daily fee for organized and competitive events will be multiplied by the average trip length of 7 days and rounded to the next highest dollar. This fee increase gradually brings the fee into conformance with the current Director's fee schedule of \$4/person/day.

An increase in fees is required in order to maintain the services provided by the program. The increase is long overdue as they have not been changed since 1993. This is the primary rationale for raising the per-person fee to \$25. This fee is paid by all noncommercial permittees and by the clients of the 16 river guide services operating in the canyon. The other purpose is to shift more of the permit administration cost to the noncommercial sector. The noncommercial permitting takes much more time than does the administration of the commercial sector. There are only 16 commercial permits to deal with as opposed to over 400 noncommercial permits.

Public participation - public outreach on this proposal has been underway since April-May 2006. The proposal has been posted on the Desolation Canyon web page. This page is the most viewed page on the Price Field Office website. The proposal was also

announced on at least three private boater message boards. These sites account for several thousand views per month. It has also been posted in the visitor contact station at Sand Wash has been sent out with each new permit issued. Thus far, there has not been much of a response. Feedback ranges from neutral to support. No negative comment has been received by the BLM nor posted on any of the private message boards. This proposal has been well circulated in the river running community.

Lynn moved to go forward with the fee proposal, Ashley seconded; however, Fee Busby objected due to the fact that he would like additional time to read over the 13-page proposal. Also, taking the vote would have violated the protocol which “required 30 days advanced notice of a fee proposal.” (Motions were taken back). Lynn made a motion to e-mail votes to Sherry no later than June 2 (COB June 1 - June 2 is on a Saturday). Carl seconded.

**Next Meeting, Date, Location, Discussion Items**

Discussion items for next meeting: Cleveland Lloyd and Monticello’s Fee Proposal presentations. Update on Nine Mile Canyon Nomination (clarify status, explain Sec. 110, status with BLM). Resubmit the budget letter that was sent to the WO. Resubmit the OHV funding letter.

Next meeting date - September 14, Flaming Gorge (Vernal).

**Addition to minutes** (which will become part of the minutes): Letter received on 5/7/07 from the Uintah County Commission - “Uintah County does not support the idea of placing Nine Mile Canyon on the National Register . . .” Copy of letter will be sent to the RAC Chair (Gordon Topham).

Meeting adjourned, 2:00 p.m.

Approved:

/s/ Gordon Topham

5/11/07

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Gordon Topham, RAC Chairperson

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Date