

3.9 Land Use

HISTORICAL BACKGROUND

Quitichupah Creek, described as a long narrow valley of sagebrush and greasewood, coyotes and prairie dogs, was opened for homesteading in the 1880s. Within a few years several ranches were established, growing alfalfa, wheat, oats, and barley in the fields, and raising sheep and cattle. Goods were traded in nearby Emery town. A terrible storm in 1912 drastically changed the nature of the valley, and the placid Quitichupah Creek was transformed into a deeply gouged wash with many deep gullies. Over time, although the settlers attempted to utilize a dam and canals, the fields were drained by the wash, and the families began to leave Quitichupah Creek (Historical Committee of Emery, 1981). Other ranchers purchased lands both north and south of the creek. The nearby community of Emery was incorporated as a town in 1901.

LAND STATUS

The lands that would be crossed by the proposed road include private, public, and SITLA, as shown on **Figures 2-1, 2-2, and 2-10**. Public lands include those managed by the USFS, Fishlake National Forest and the BLM, Richfield Field Office.

Private landowners along the existing Quitichupah Creek Road include: Castle Valley Ranches LLC, Thomas C. Bunn, et al., James V. Olsen, Julian Bowman, George E. and Patricia L. Olsen, and Wynona P. Olsen. Private landowners along the proposed Alternate Junction with SR-10 include: Castle Valley Ranches, LLC; and Kenneth Lee & Earlene F. Christiansen. Private landowners in the area that would be crossed by the Water Hollow Alternative include Castle Valley Ranches, LLC. These landowners do not currently reside on those lands, but typically use them in conjunction with their livestock operations.

Table 3.9-1 provides a summary of land status and an estimate of new surface disturbance for the proposed Quitichupah Creek Road (Alternative B). **Tables 3.9-2 and 3.9-3**, that follow, provide similar summaries for the Alternate Junction and Alternate Design Alternative (Alternative C), and the Water Hollow Alternate Alignment (Alternative D).

Table 3.9-1 Land Status and Proposed Disturbance - Alternative B

Land Mgmt.	QCR Road Distance (miles)	County Jurisdiction	Road Construction Disturbance (acres)	Existing Road Disturbance (acres)	Staging Areas (acres)	Pull-Outs (acres)	Total New Surface Disturbance (acres)
USFS	2.3	Sevier	24.0	3.3	5.0	0.3	26
BLM	1.8	Sevier	18.4	1.8	5.0	0.3	21.9
SITLA	1.1	Sevier	12.3	0.9	5.0	0	16.4
Private	3.7	Sevier & Emery	33.7	5.7	0	0	28.0
Totals	8.9		88.4	11.7	15.0	0.6	92.3

Table 3.9-2 Land Status and Proposed Disturbance - Alternative C

Land Mgmt.	Road Distance (miles)	County Jurisdiction	Construction Disturbance (acres)	Existing Road Disturbance (acres)	Staging Areas (acres)	Pull-Outs (acres)	Total New Surface Disturbance (acres)
USFS	2.3	Sevier	24.0	3.3	5.0	0.3	26.0
BLM	2.8	Sevier	23.6	1.4	5.0	0.3	27.5
SITLA	1.1	Sevier	12.3	0.9	5.0	0	16.4
Private	2.9	Sevier & Emery	31.4	5.0	0	0	26.4
Totals	9.1		91.3	10.6	15.0	0.6	96.3

Table 3.9-3 Land Status and Proposed Disturbance - Alternative D

Land Mgmt	Road Distance (miles)	County Jurisdiction	Construction Disturbance (acres)	Existing Road Disturbance (acres)	Staging Areas (acres)	Pull-Outs (acres)	Total New Surface Disturbance (acres)
USFS	2.52	Sevier	30.5	2.6	5.0	0.3	33.2
BLM	7.94	Sevier	95.3	0	10.0	0.6	105.9
SITLA	0.26	Sevier	2.4	0	0	0	2.4
Private	0.53	Sevier	4.8	0	0	0	4.8
Totals	11.25		133.0	2.6	15.0	0.9	146.3

Land Use And Land Use Plans

Historical and ongoing land uses and rights in the Project Area include homesteading, livestock trailing and grazing, wildlife migration and wintering, mining, instream livestock watering rights, irrigation water rights, cultivated pasture, agriculture, and recreation.

The management of public lands within the Project Area is guided and directed by the San Rafael RMP (USDI-BLM, 1991), FPU MFP (BLM, 1982), and the Fishlake National Forest LRMP (USDA-USFS, 1986).

Although the Richfield Field Office is ultimately responsible for management of the BLM-administered lands in the Project Area, management guidance comes from the BLM Forest Planning Unit MFP (BLM, 1982) and San Rafael RMP (USDI-BLM, 1991) produced and implemented by the BLM’s Price Field Office. The Richfield Field Office is currently updating the RMP and it is scheduled to be completed in the spring of 2006.

Management of the SITLA lands in the Project Area is directed by the Richfield Office of SITLA.

Land management decisions on private lands in Sevier and Emery Counties are guided by county land use plans, and zoning ordinances and regulations. As described in the Emery County General Plan, Emery County is committed to preservation of a rural lifestyle, and citizens place great value upon open space, history, and preservation of their heritage. Maintaining access to, and use of, public lands within the county is also a commitment of the plan. The Sevier County General Plan (Sevier County, 1998) similarly expresses a desire to maintain access to public lands in their county, and to encourage multiple uses within those lands.

Zoning

The Emery County lands in the Project Area are zoned M&G-1, Mining and Grazing. This zone generally covers the dry mountain and desert areas of the county historically used for grazing on the open range, and mining and mineral exploration. The characteristics and conditions on these lands make them suited for a continuation of these uses. However, because of the relatively fragile balance of nature in the area, all permitted activities must be carried out in a manner consistent with the limitations of the environment (Zoning Ordinance for Emery County, 1999).

The Sevier County lands in the Project Area are zoned GRF-40, Grazing, Recreation, and Forestry. As described in the Sevier County Code (Sevier County, 1995), this zone has been established as a district in which the primary use of the land is for grazing, recreational, forestry, and wildlife purposes. Density requirements of structures within this zone are one unit per 40 acres. The code does not mention roads as a land use that is either automatically or conditionally permitted in this zone.

Access

The Quitchupah Creek area is accessed either from the east at SR-10, or from the west off the paved Acord Lakes Road, which is used as coal transport road by the SUFCO Mine. The Water Hollow Benches area is accessed off of the existing Quitchupah Creek Road, or off of a jeep trail leaving SR-10 south of the Quitchupah Creek Road. However, vehicle access to the Water Hollow Benches is possible only with ATVs, and then only in some areas. The existing road along Quitchupah Creek is unpaved and prone to washouts and rutting as a result of storm events. Along portions of the road, it is unmaintained and occasionally impassable.

Structures and Utilities

The most noticeable man-made structure along Quitchupah Creek is the UP&L Company power line, a 9.6-mile long 69 kV tap line for SUFCO, completed about 1977. It provides power to the SUFCO Mine. The right-of-way for this power line is 25 feet, or 12.5 feet on either side of its centerline. Three other major power transmission lines cross the eastern part of the Project Area.

Other existing structures within the Quitchupah Creek Road corridor, related to agricultural/livestock uses, include irrigation canals, corrals, livestock fences, and a baling yard. A metal water pump house building and a septic leach field, both related to the SUFCO Mine are adjacent to the Quitchupah Creek Road corridor. Water lines between the spring collection area and the pumphouse and between the pumphouse and the SUFCO Mine pass under the roadway. There are no structures near the Water Hollow alternate alignment (Alternative D).

A telephone line has been installed underground along the Quitchupah Creek Road from the east to the Emery County line, and then strung from the existing UP&L poles up to the SUFCO Mine.

Minerals – Oil & Gas

Texaco had an oil, gas, and hydrocarbon lease on the State land Section 16 - ML#47105. This lease was to expire in 2005 but was cancelled for non-payment on January 2, 2004. According to SITLA, no work was ever conducted under this lease (Bonner, personal communication 2005). SITLA included this section in the January 6, 2005 Competitive Lease Offering for Oil, Gas, Hydrocarbon, and other Mineral Commodities and it is currently under lease (**Table 3.9-4**).

There are several oil and gas leases held on public lands in the area, as noted in the following table.

Table 3.9-4 Oil & Gas Leases

Agency	Lease #	Leasee	Location	Township, Range
BLM	UTU - 075067	Texaco	Section 17,18	T22S, R6E
BLM	UTU - 075062	Texaco	Section 13,14,15	T22S, R5E
BLM	UTU -074819	Texaco	Section 17,20,21,22	T22S, R5E
BLM	UTU - 072583	Texaco	Section 27,28,33,34	T22S, R5E
BLM	UTU- 075224	Texaco	Section 25,26,34,35	T22S, R5E
BLM	UTU - 075063	Texaco	Section 1, 12,14	T23S, R5E
BLM	UTU - 072753	Texaco	Section 3,4,5,8,9,10	T23S, R5E
BLM	UTU - 073214	Texaco	Section 2	T23S, R5E
SITLA	ML 49664	Greg Klurfeld	Section 16	T22S, R5E

Potential Impacts To Land Use

The Environmental Consequences of each Alternative, in regard to land use, are discussed below. First, regulatory consequences are described and then potential impacts to the resource itself.

REGULATORY

Existing permitted uses on the lands in the Project Area, such as grazing and water rights, would continue. In Emery County, permitted activities must be carried out in a manner consistent with the limitations of the environment (Zoning Ordinance for Emery County, 1999). In Sevier County the primary uses must be preserved.

The proposed project is in compliance with the San Rafael RMP and FUP MFP for the public lands and the Fishlake National Forest Land and RMP for Forest lands (See Section 1.3). Currently, the planning process for the Dixie and Fishlake National Forests Forest Plan Revision is ongoing and has included several public meetings and workshops. The Draft Management Direction Package for the Fishlake National Forest was released April 28, 2005. The projected date for plan decision is winter 2006/2007.

POTENTIAL IMPACTS

NO ACTION - ALTERNATIVE A

There would be no effects to land use along the existing two-track road along Quitchupah Creek or along the Water Hollow Benches. Current land uses would continue.

QUITCHUPAH CREEK ROAD ALIGNMENT - ALTERNATIVE B

Under this Alternative, it is estimated that new disturbance would affect 26.0 acres of USFS land, 21.9 acres of BLM land, 16.4 acres of State land, and 28 acres of private land, for a total of 92.3 acres. The requested rights-of-way for the permanent road corridor would include 18.4 acres of USFS lands, 15.2 acres of BLM lands, 8.8 acres on State lands, and 31.2 acres private lands. The FS would issue a Public Road Easement and the BLM would issue a right-of-way grant. Right-of-way applications have been submitted to the USFS and BLM. The right-of-way for the existing road consists of prescriptive easements. Rights-of-way across seven private land parcels (six landowners) are dependent upon individual negotiations.

In addition, an encroachment permit would have to be obtained from UDOT in order to construct the junction with SR-10. The disturbance for construction of the intersections and additional lanes would occur within the UDOT right-of-way or acquired right-of-way.

Fences and corrals would be removed from the road corridor during right-of-way preparations, and the necessary replacements or repairs made as agreed upon. Similarly, the baling yard would be modified or relocated to an agreed upon area.

The irrigation canal currently supplying the agricultural fields south of the road would be impinged upon by the new road footprint in several locations, necessitating realignment or culverting of about 0.5 mile of total canal length. This would affect the canal/pipe in the following locations: near station 290+00, from stations 302+00 to 308+50, from stations 321+00 to 324+00, and from stations 333+00 to 350+00 (see **Appendix B**, Engineering Details). Approximately 1.4 acres (out of 145 acres – less than 1 percent) of prime farmland soils would be impacted as the road crosses over the corner of the agricultural fields.

Preliminary design indicates that a power pole adjacent to station 166+30 may need to be relocated. All power pole relocations would be performed by the owning power company (UP&L) and would be relocated to suitable locations as determined by UP&L. The relocations would be within either the road or power line rights-of-way.

The Emery County telephone line, buried along the road east of the County line, may be affected by grading and right-of-way preparation. The same line would be affected by the above power pole relocation. This would require the telephone company to repair or replace any of the damaged cable.

Mineral or fuel exploration and development efforts in the State lands section could be furthered by the presence of a paved road; however, no plans for exploration are currently proposed.

ALTERNATE JUNCTION AND ALTERNATE DESIGN - ALTERNATIVE C

This alternative includes the same road corridor as Alternative B, except for the easternmost two miles. Under this Alternative, it is estimated that new disturbance would affect 26.0 acres of USFS land, 27.5 acres of BLM land, 16.4 acres of State land, and 26.4 acres of private land for a total of 96.3 acres. Rights-of-way across two private land parcels are dependent upon individual negotiations. After reclamation, 46 acres would be dedicated to the road right-of-way.

In addition, an encroachment permit would have to be obtained from UDOT in order to construct the junction with SR-10. The disturbance for construction of the intersections and additional lanes would occur within the UDOT right-of-way or acquired right-of-way.

Other impacts would be the same as described for Alternative B, except that the planned buried telephone line would not be affected. Further, the safe movement of wildlife and livestock across the road would be facilitated by fencing and under passes.

WATER HOLLOW ALTERNATE ALIGNMENT - ALTERNATIVE D

Except for the westernmost two miles of road, where this Alternative shares the same alignment as Alternatives B and C, lands along Quitchupah Creek would not be affected by the Water Hollow alignment. Total new disturbance would affect 33.2 acres of USFS land, 105.9 acres of BLM land, 2.4 acres of State land, and 4.8 acres of private land for a total of 146.3 acres. Right-of-way across one private land parcel is dependent upon individual negotiations.

In addition, an encroachment permit would have to be obtained from UDOT in order to construct the junction with SR-10. The disturbance for construction of the intersections and additional lanes would occur within the UDOT right-of-way or acquired right-of-way. After reclamation, a total of 55 acres would be dedicated to road right-of-way.

An outside source for borrow materials would likely be required under this Alternative, borrow materials would be excavated from private lands off-site, in an area where such use is allowed.

MITIGATION AND MONITORING FOR BUILD ALTERNATIVES

All new roads across Federal, State, or local lands would be constructed to or exceeding applicable standards. The road drainage system and reclamation of disturbed lands would be monitored for a minimum of three years, and require achieving certain goals prior to release (see Monitoring Plan).

IRREVERSIBLE OR IRRETRIEVABLE COMMITMENT OF RESOURCES AND RESIDUAL ADVERSE IMPACTS

Due to the proposed road being a public road under the jurisdiction of Sevier County SSD, the road would remain in service as a rural collector road in the State road system after the mine has ceased transporting coal, and be an irreversible use of the land committed to a right-of-way.

Loss of private ownership of the right-of-way would be an irretrievable and residual impact to the private landowners. In addition, fragmentation of private property would be an irretrievable impact.

CUMULATIVE EFFECTS

Past and present land uses include mining, grazing, agriculture, utilities and road rights-of-way, and recreation. The proposed project would dedicate an additional 45-55 acres of land to roadway. There are eight authorized federal oil and gas leases in the Project Area. SITLA has leased Section 16 in the Project Area for the exploration and development of coal-bed methane gas resources. The proposed road on public lands would traverse Section 16 and would provide improved access for future exploration and development. Potential gas reserves on public lands would also be accessible. Future land use changes such as gas field development would be compatible with and supported by road development.