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June 14, 2006

The Honorable Robert F. Bennett
431 Dirksen Senate Office Building
United States Senate
Washington, D.C. 20510

The Honorable Jim Matheson
1222 Longworth House Office Building
U.S. House of Representatives
Washington D.C. 20515

Re: Washington County Growth and Conservation Act of 2006

Dear Senator Bennett and Representative Matheson:

The above bill should be withdrawn until there is significant public input and public hearings. No public lands should be disposed of without further close scrutiny and screening. Areas slated for disposal south of Santa Clara that surround critical habitat for the endangered Holmgren milkvetch (*Astragalus holmgreniorum*) should not ever be disposed of.

A critical habitat proposal has only been recently published in the Federal Register for both the Holmgren milkvetch and the Shivits mikvetch (*Astragalus ampullarioides*). See Federal Register: March 29, 2006 (Volume 71, Number 60), Proposed Rules, Page 15965-16002.

It would be entirely premature to propose any legislation affecting those lands until these critical habitat areas have been fully considered and designated and that initial draft proposal has only just recently even been made. Both species were listed with a critical habitat provision on September 28, 2001. Almost five years later, the critical habitat has still not been designated for either species requiring a lawsuit at taxpayer expense simply to enforce what had already been agreed to. Lack of critical habitat designation was entirely due to failure of the federal government to fulfill its obligations in this regard.

Impacts to at least three currently federally listed species as a result of Interstate 15 construction in Washington County have never been mitigated since it was constructed in an pre-Endangered Species era and in a less enlightened time. Just a few examples of the disregard for rare and endangered species include:

- Bloomington (and possibly St. George itself) destroyed and fragmented habitat of the federally listed Dwarf bearclaw poppy (*Arctomecon humilis*); Bloomington itself has formed a formidable barrier to pollinators and gene flow
- I-15 fragmented and took out Shivwits milkvetch habitat near Silver Reef where that species now tries to survive in a median strip
- I-15 fragmented Dwarf bearclaw poppy habitat and destroyed plants at the Bloomington exit and to the south
- I-15 fragmented a Holmgren milkvetch population roughly starting at milepost 2 and all the way to the Arizona border
- I-15 has served as a corridor for invasive species
- Building expansion south of the town of Washington has surrounded and forever isolated the Dwarf bearclaw poppy at Shinob Kibe where it will not likely survive in the long term
- A golf course east of the town of Washington now provides a dubious future for a former population of the Shivwits milkvetch as it now tries to survive there in the “rough.”
- A prison and fairgrounds have essentially wiped out an area where the Holmgren milkvetch once thrived.
- Cattle are still allowed to graze on lands unfit for livestock and last year severely trampled a Shivwits milkvetch population on BLM land
- Cattle are still being allowed to graze on Holmgren milkvetch allotments
- Rapid Sun River expansion has over each of the last several years removed Dwarf bearclaw poppy plants and is also impacting the Holmgren milkvetch
- Residential development at the Silver Falls residential development in May of 2004 destroyed plants and habitat for the rare Parry’s petalonyx (*Petalonyx parryi*)
- The SITLA development dubbed as “Central Valley” will destroy the largest population of the federally listed Holmgren milkvetch and SITLA will be building a road directly thru the last best area where the Dwarf

- bearclaw poppy grows at White Dome.
- The Southern Corridor will seriously directly impact and fragment the Holmgren milkvetch and the Dwarf bearclaw poppy in multiple places each; the Atkinville interchange to be started this summer will destroy plants of both species
 - Rampant uncontrolled off road vehicle use for the past several decades at Warner Ridge and on Utah state lands particularly at White Dome and at Atkinville have made it largely impossible for the Dwarf bearclaw poppy to survive on lands it formerly occupied in great numbers
 - Preliminary St. George airport work has already resulted in the loss of habitat and taking of the federally listed Siler cactus (*Pediocactus sileri*)
 - The Western Corridor which agencies have refused to take into consideration with respect to other impacts will likely be a further nail in the coffin of several of these species.

No Utah native plant species has yet been documented as having become extinct. We fear however that we are now witnessing that in progress with the Holmgren milkvetch and possibly with several others. With proper planning, this does not need to happen.

The Utah Native Plant Society is a 501(c)(3) organization that has since 1978 promoted the conservation, preservation and appreciation of Utah's native flora. Concern for the potential extinction of indigenous rare plant species including many from Washington County played a significant role in the reason for our founding. We have over the past 26+ years had thousands of members and have expanded to have chapters throughout the state including Washington County and in nearby Kane and Garfield counties.

For over two decades we have painfully watched continued unplanned growth particularly in areas around St. George, Bloomington, Santa Clara and Hurricane. Our conservation related work in Washington County began in the early 1980's when we brought the plight of the Dwarf bearclaw poppy to the attention of the then State Lands & Forestry. The first ever voluntary action by the State of Utah for a plant species was taken at that time as a result of a statement in a draft Endangered Species Act recovery plan for the Dwarf bearclaw poppy that the state of Utah's cooperation was essential for the species to have any chance of recovery. Impacts to the habitat of that species had already been severe by even that time; yet since that time the problems have become much more severe, habitat has been steadily lost, and the state did not fulfill its promises to not disturb its habitat (and in fact bulldozers are preparing to damage its habitat as this letter is being written). We also helped to launch studies for the poppy which have been continued and which provide more data than for perhaps any other single rare plant species in the state; we also prepared educational brochures and a film strip that was used in Washington County elementary schools, conducted many field trips to make residents aware of the poppy and other rare species, helped to mend BLM fences, worked with other conservation

organizations and government agencies to help avoid impacts, and more.

Despite these and other efforts, a number of rare Washington County species are now in serious trouble. Increased human populations in the area have in turn greatly increased the number of invasive plant species. Whereas invasive plant species were recognized as somewhat of a conservation concern in the 1980's, over the last decade the problem has steadily and perhaps even exponentially worsened: we have witnessed just over the past several years an explosion of invasive species on the fragile, arid habitats that these rare plant species require (they cannot simply be moved or transplanted). The many years of drought have not helped and have put further enormous pressures on these species. Shivwits milkvetch plants were burned to the ground by a fire in 2005 in the Harrisburg area. These additional impacts in combination with the fragmentation of habitats due to road and direct habitat loss through urban expansion place now a number of species in Washington County at risk.

Washington County is one of the most biologically diverse counties in the state of Utah. It contains a wealth of species not found anywhere else in the state as well as many narrowly restricted endemics found only in Washington County (or in some cases with distributions that just barely make it over the state line). This diversity of life has only until relatively recently been largely ignored by developers, planners and people in general.

These species are indicators of our own long term survival. So, it does matter to us if they become extinct. While we can easily cause any number of plant and other dependent species to become extinct while we still survive in the short term on this earth, if we ignore them and act as though that we are masters of the planet and are not really a part of it, in fact we are placing our own future in serious jeopardy. And, we will in the process be making this place a much less desirable place to live.

The key for both humans and for rare plants and other life is sustainable, planned growth. Plans to grow Washington County from its current population to 650,000 people or more is not desirable, and not likely a sustainable plan. The dialog needs to finally begin that addresses maximum human sustainable populations. As leaders, please think "long term" which is not 5 years nor 10 years nor even 25 years, but rather a hundred years, 250 years, and longer.

Critics often blame ineffective management and flaws in the Endangered Species Act itself for the low numbers of species that have recovered and been declared safe. At least an equal measure of responsibility must be placed with a congress that fails to live up to its obligations, and with a society that places uncontrolled development ahead of sustainable growth. The Salt Lake valley has already become victim to our own growth: the beautiful and now Utah rare Beckwith's violet (*Viola beckwithii*) and Tidytops (*Layia glandulosa*) once adorned our foothills, but have not been seen here in 50 years and over 100 years,

respectively. Certain species of native orchids that grew along streams and damp places in the Salt Lake Valley and foothills have disappeared. The Segoe lily (*Calochortus nuttallii*), our state flower, and reminder of our heritage when native Americans taught the pioneers about learning to live in this land, is being steadily pushed further uphill away from where our citizens can easily see it. The same is happening to St. George and its surroundings.

Please withdraw this bill at this time. We cannot afford to lose any additional public lands in Washington County and we need to establish sustainable areas so that both people and plants can survive in the long term.

Sincerely,

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cc:

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