

San Juan County Conditional Use Permit Application

ADDITIONAL INFORMATION:

At the January 13 meeting it became clear that we did not provide enough information in our first submission of this application. I provided minimal information since we are simply planning to camp on the land, rather than utilize it for a building or development project. We hope the additional information provided here will be helpful in explaining what we are proposing on the property.

As you know, this CUP application requests to use the land for primitive tent camping with the express intent to keep the land as natural and wilderness-based as possible by not building any structures. Currently there is not a single structure or building on the property and we would like to keep it that way. Since there has been confusion on who would be using this land for camping and for what purpose, I want to start by introducing myself and the program that I and the other joint owners of the property would like to invite to camp on the land. My name is Tom Zimmer and my wife and I and two of our friends (another couple) have jointly purchased this property for two reasons. First, we see it as an investment property since we know that property in the Moab area is only becoming more expensive and more valuable and we are confident that this property will only increase in value. Second, we want to camp on this property with our own families and friends and to allow Wyoming Catholic College (WCC) to also camp on the property. I consider Moab a second home even though I have not previously owned land there. My wife and I have personally spent multiple weeks in Moab each year for the last 20 years, exploring the wilderness. I have climbed nearly all the crags in the area from Indian Creek to Castleton and Fischer Towers; I have run every river section on the Green River from Flaming Gorge Reservoir to Stillwater Canyon, the Colorado river from Loma through the Grand Canyon (including sea kayaking Lake Powell), and the entire Dolores River; I have explored hundreds of miles of backpacking in the area, gone canyoneering in most of the canyons, and have mountain biked hundreds of miles of trail including the Kokopelli trail. My ten-year-old son and three younger children spend every spring break in Moab hiking and biking and paddling the rivers. Needless to say, I am excited to finally have a property in the Moab area as a second "camping" home. Our goal as owners of this property is conservation and we do not want to build anything on the property or change its natural setting, improve roads, etc. We know the college well and the outdoor program intimately and know they will not change the character of the property which will not only preserve the ultimate purpose of the property (for it to be a wilderness environment for us and our families and for the student trips) but also retain the value of the property. All owners of the property love the college and what they are doing with its students in the outdoors and believe this property is perfect for their use and this is an amazing way to support the college's mission and improve their trips.

To better understand the relationship and intimacy between the landowners and the college it might be helpful to know that I, Tom Zimmer, am a professor at the college and run the college's outdoor program. However, to be clear, my wife and I have purchased this land with our friends and none of us are getting compensated by the college for any use of the land; we are gifting the use of the land to the college. I have been leading outdoor education trips in Moab since 1995 and I have seen the rapid growth of tourism and increased use on the trails, rock, river, and, more importantly, at the campsites. For the last 5 years I have been looking for

land in the area as an investment (knowing this is a great place to invest in real-estate) and as a place to take my family and friends camping and let the college use it for wilderness-oriented trips. I am passionate about the students' experiences and this land will provide significantly better wilderness trips for the students. Currently, the college runs over 20 week-long trips to the Moab area every year and the trips spend significant time in vehicles looking for campsites (when reservations don't work, which happens a lot since camping reservations are very limited and difficult to secure) and driving to various trailheads and recreation areas for hiking, climbing, rappelling, canyoneering, rafting, kayaking, and canoeing. This property provides not only an excellent place to camp away from the crowds but also excellent hiking, climbing, rappelling, and outdoor exploration opportunities that both avoid the crowds and reduce the college's use on public lands.

Regarding the college's expertise in running professional outdoor education trips, here is some helpful information. First, a bit about me as the program director/professor. I have been working in outdoor education year-round for the last twenty-plus years. I have an undergraduate degree in Outdoor Education, a master's degree in Experiential Education, and a Ph.D. in Parks, Recreation, and Tourism from the University of Utah with a specialization in Outdoor Education. I have taken the NOLS professional instructor course, have been an owner of three outdoor guiding services, and have worked for over fifteen different outdoor programs guiding a variety of outdoor activities (whitewater rafting and kayaking, rock climbing, backpacking, canyoneering, mountain biking, mountaineering, backcountry skiing, and ice climbing) in numerous places including Utah, Colorado, Wyoming, Oregon, California, Arizona, Washington State, West Virginia, Alaska, and Ecuador. I have been running the college outdoor program at WCC for 11 years and have established over 20 wilderness-based permits with various Forest Service, BLM, National Park, and State Park land agencies. Specifically in Moab/San Juan County, I have personally taught educational courses in the area since 1995 for various programs including WCC and three other colleges: Western State College in Gunnison, Colorado, University of Utah, and Utah Valley State College (now known as UVU). I established permits for WCC with the BLM in 3 Utah locations around the Moab area including the Price, Moab, and Monticello field offices and have a solid reputation and track history with them for guided trips in various areas for rafting and kayaking, canoeing, rock climbing, canyoneering, backpacking, and mountain biking. In the last 10 years, the college has run over 500 trips ranging from one to three weeks long in Wyoming, Colorado, Utah, and Oregon and WCC has an excellent track record following LNT principles on these trips and keeping the land as pristine as we found it. Our instructors go through rigorous training, including specific training in the Moab area. All instructors have a minimum of 10 weeks of backcountry experience and most of our lead instructors have over 50 weeks of backcountry experience. The college is accredited through the Association of Experiential Education (AEE), the accrediting body for backcountry programs such as NOLS and Outward Bound. As you can see, the college is highly experienced in outdoor education and keeping the private property a backcountry and primitive area while protecting the waterway and wilderness aspect of Mill Creek and the surrounding land will be simply a continuation of what these instructors already do in all of the areas where they run trips. Feel free to review my attached Vitae and Outdoor Experience Log for more information on my outdoor programming background.

SPECIFIC CONCERNS THAT I WAS ASKED TO ADDRESS AT THE JANUARY MEETING:

HUMAN WASTE REMOVAL: At the last meeting we discussed at length the idea of building a few pit toilets or using outhouses. Our goal from the beginning has been for this land to stay as primitive as possible and to keep it in a natural state without any buildings. We propose the use of Wag Bags (approved human waste bags used around the world) and Groovers (used for river trips everywhere including the Grand Canyon and every US river) for human waste removal. The college already uses Wag Bags for various backpacking trips in areas around Moab and San Juan County, including areas such as Grand Gulch and Hatch Canyon (in San Juan County through the BLM). We also use Wag Bags when we car camp in various areas, including when we climb at Indian Creek and Looking Glass Rock (both in San Juan County). Wag Bags and Groovers are extremely effective when used appropriately and, since all the college trips have instructors, these tools will be used effectively. We owners believe building pit toilets or driving an outhouse truck onto the property twice a month will cause more impact on the property than necessary, especially since Wag Bags and Groovers are used by hundreds of professional outdoor programs everywhere and are the standard tools used for desert backpacking and river trips in the National Parks, including Canyonlands, Zion, etc.

FIRE SAFETY: This is a major concern for the Moab community and the land adjacent to the property, but is also a major concern for us as landowners. A fire on the property would be devastating for our desired use of the land and obviously a major concern for our investment as it would significantly devalue the property. Our personal interest in avoiding a wildfire is as prominent, if not more prominent, as it is to the surrounding community.

I have met with David Gallegos, the San Juan County Chief Fire Representative in charge of fire safety and regulations. After discussing our desired use of the land and our plan he has approved the following fire safety measures. David said that it is not necessary for us to have a road adequate for fire trucks or emergency vehicles and that we do not need to make any road improvements. This list comes directly from the contract between the owners and the college.

1. Lessee will follow all local fire restrictions and will not have fires when they are not allowed in the county/area.
2. Campfires can only take place in the provided metal fire pits and fires should not exceed or ever be outside of the metal fire pits.
3. Lessee is required to provide 30 feet of non-combustible defensible space around each fire pit.
4. Lessee is required to have ten gallons of water in 5-gallon buckets making it easily deployable at the fireside anytime a fire exists. Anytime a fire is not attended it will be doused with water until it is dead out.
5. No large fires/bonfires or any burning wood outside of the firepit circle and no fires during high winds.
6. Fires can only be used in presence and under direct supervision of an instructor.
7. Firewood needs to be purchased in the Moab/San Juan County area or wood on the property that meets the LNT standards of the 5 D's (dead, down, detached, dinky, dry).
8. No Fireworks or Firecrackers.
9. Use of approved backcountry or camping gas stoves can only be used in the kitchen area with defensible space.

WATER USE AND RIVER CORRIDOR CONSERVATION: As previously mentioned at the January meeting, we are requiring the college to bring in their own drinking water rather than pulling water from Mill Creek. You will see this is also in the contract.

CONTRACT: See the attached contract. Since the lengthy legal contract exceeds 15 pages, I will provide some information here regarding a few things worthy of note.

1. In addition to us owners having our own insurance policy to protect us and the land, we are requiring the college to add our LLC as additionally insured for the use of the land.
2. We owners are requiring a security deposit which will be returned if the property is left the way they found it and we will only charge fees based on any expenses incurred for misuse of the land. This is also another way to ensure that they follow the rules lined out in the contract.
3. While we did not intend to charge any fee for the college's use of the property, as mentioned at the January meeting, we have been advised by our lawyer that we do need to charge a nominal fee in order to make the lease more legally binding. However, we are clearly not "making" money on the small fee of \$20 per day, regardless of the number of people or groups.
4. The contract lists various rules for the use of the land including acceptable activities, fire safety, use of the river water, use of the road and parking, number of people on the property at each location, and more.
5. The college is not allowed to sublease or allow other groups that are not affiliated with the college to use the property.
6. The college must provide the owners with prenotification and specific dates for each trip they are taking on the property.
7. The college can lose their right to use the land at any time for any reason if the owners decide to restrict the land for their use.
8. The owners and the San Juan County Environmental Health Department are allowed to inspect the land at any time without notice.

ROAD: Our goal is to keep the land as pristine as possible and to avoid any development. However, we have hired an engineer to look into options for improving the road if desired. We have met with the BLM in order to work through the required permits and the title 5 permit. Please see the attached document regarding building two river crossings on the San Juan County BLM road that accesses the property.

Currently we can drive four-wheel drive vehicles (e.g. a Chevy Suburban) into the property, so we have two ways to access the property with students.

1. Use four-wheel drive vehicles to transport students into the property.
2. Park 12- or 15-passenger vans that can't make it down the road on approved parking areas/pull-offs on the county road and have the students backpack into the property. I have met with Todd Murdock at the Moab BLM with a proposal to park overnight on the county road in the same locations where we currently have permits to park for day trips for hiking in Entrajo Canyon. He is looking into it and will get back to us. In addition, I have met with Todd Adare, the San Juan County representative in charge of county roads, about permission to park on the pull-offs. He has approved us to park on the pull-

offs that are approved by the BLM. Until we get such permission, we will stick to the use of four-wheel drive vehicles as noted in option 1.

GROUPS AND NUMBERS: The college currently has 22 week-long trips planned for the Moab/San Juan area from March through May this year. All groups will have a maximum of 15 people since the college uses 15-passenger vans and many of the BLM permitted routes have a maximum group size of 15, including the 2 professional instructors on every trip. Not all of these trips will necessarily use the property, as some of them will be doing other activities and camping on BLM public lands. In addition, most of these trips will only spend half of their trip on the property and the rest of the trip will use and camp on public lands under the college's BLM permit. Below is a schedule of the current trips planned in the Moab/San Juan area for this spring. While there are 22 weeks listed, it is estimated that only half of these 22 weeks will utilize the property for an estimated actual use of 11 weeks (each weeklong trip will typically spend half the week backpacking on BLM land and half the week on the property). After May, the college will not use the Moab area throughout the summer until September due to hot temperatures. Though the college doesn't have a schedule for the fall yet, they do not run as many trips in the fall and estimate only about 6-8 week-long trips in the fall for a total use of 3-4 weeks on the property (half of a weeklong trip will be on the property). The total user days on the property this spring is estimated to be 1000-1100 user days. User days is the way the BLM and Forest Service determine land use; 1 user day is 1 person per day, so a 5-day trip with 10 people is 50 user days. The total number of days the college intends to use the land this spring is around 60-70 total days and this fall is around 30-40 total days (90-110 total days per year). Finally, while the application is requesting a maximum capacity of 100 students at any one time, you can see below that this spring the college is not planning on having any days that exceed 50 people on the property at one time and the contract requires special permission to exceed 50 people with an absolute maximum of 100.

Here is a schedule of the current trips planned in the Moab/San Juan area this spring. It is important to note that these trips already exist and they will be taking place in the Moab area regardless of this property. This property is not increasing the college's use in the Moab area; in fact, it is simply reducing its use on public lands and shifting its use to the owners 240-acre piece of private property which is not open to other users. Having the college use this land is a win for the college, for the local Moab residents, and the other land users and visitors in Moab.

- 1st week of March: 3 groups of up to 15 people each; 45 people max
- 2nd week of March: 2 groups of up to 15 people each; 45 people max
- 4th week of March: 3 groups of up to 15 people each; 45 people max
- 1st week of April: 2-3 groups of up to 15 people each; 45 people max
- 2nd week of April: 1 group of up to 15 people; 15 people max
- 3rd week of April: 2 groups of up to 15 people; 30 people max
- 4th week of April: 3 groups of up to 15 people; 45 people max
- 1st week of May: 3 groups of up to 15 people; 45 people max
- 2nd week of May: 3 groups of up to 15 people; 45 people max

FINAL THOUGHTS:

I am disheartened by the concerns about our proposed use of this property. I truly believe this is a win for the San Juan and Moab community and for the Mill Creek River corridor. Instead of developing this property or subdividing it for financial gain, we owners want to keep it as primitive and pristine as possible and do not want to pursue any development. I understand that our minimal information in January scared a lot of people since they didn't know what we were truly doing, who would be using the land, would they take care of it, etc. With this additional information provided I hope the county and the San Juan residents and Moab residents understand what we would like to do with this private land. We are not making money on this land and are instead allowing a professional, outdoor program accredited, non-profit college to use the land for trips that are designed to put students in a wilderness setting and foster conservation and stewardship of the land. This is a huge opportunity for the college to avoid the busy campgrounds and high traffic of the various activities (hiking, canyoneering, climbing, rappelling) in Moab that currently require camping at busy campgrounds and driving through town from activity to activity. Given the college's positive track record in other locations, we know the college will take great care of the land, especially since they know they will lose their ability to use it if they do not. As previously mentioned, the college is already using the Moab BLM lands every year and utilizing this private land will decrease the pressure on the campgrounds and public lands that they would normally use if they weren't on our property. The notion that this use will be detrimental to the Mill Creek water corridor is simply false. Anyone who has hiked up Mill Creek Waterfall Trail from the Mill Creek North Fork Trailhead in Moab knows how much of an impact the river has with people swimming and bathing in the creek. Meanwhile, the use we will have just a mile upstream will be used by a professional outdoor program that already backpacks in multiple canyons such as Grand Gulch, Hatch Canyon, and other canyons where they leave the land and the creeks undisturbed.

Thank you for taking the time to read this lengthy document; we hope this information is helpful. If there are any additional questions you currently have, please let me know. I am happy to bring additional information to the February meeting as needed.

Respectfully,

Tom Zimmer