

## RESOLUTION NO. 2015-03

### A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL REGARDING WALNUT CANYON

#### RECITALS:

**WHEREAS**, the Walnut Canyon National Monument was established by Presidential Proclamation Number 1318 on November 30, 1915, and subsequently expanded by Presidential Proclamation in 1938, by a Public Land Order in 1956 and by Congress in 1996 to protect certain prehistoric ruins of ancient cliff dwellings located in and adjacent to Walnut Canyon; and

**WHEREAS**, the boundaries of the Walnut Canyon National Monument are contiguous to lands within Coconino County, the City of Flagstaff and lands managed by the Coconino National Forest and the Arizona State Land Department; and

**WHEREAS**, land-use management plans within Coconino County and the City of Flagstaff have identified the ecological, social, economic and cultural impacts of the Walnut Canyon National Monument as significant to the region; and

**WHEREAS**, on December 10, 2001, a Stipulation was signed by the City of Flagstaff and the United States on behalf of the National Park Service and the Forest Service, and confirmed by the Apache County Superior Court on August 8, 2002, In Re: The General Adjudication of All Rights to Use Water in the Little Colorado River System and Source (Civil. No. 6417) (the "Stipulation"); and

**WHEREAS**, the Stipulation confirms, among other things, the City of Flagstaff's right to use existing wells and develop future production wells, and access to utility corridors on U.S. Forest Service lands, including development of groundwater supplies on lands within two miles of the current boundary of Walnut Canyon National Monument, and

**WHEREAS**, the Stipulation also confirms, among other things, the United States' and City of Flagstaff's commitment to enhance municipal water supply values in the Walnut Canyon Watershed (as defined in the Stipulation); and

**WHEREAS**, this Resolution in support of a Congressional "special designation area" for the Walnut Canyon Study Area is expressly conditioned on establishment of said "special designation area" being subject to the Stipulation; and that said "special designation area" shall not modify or otherwise limit the terms of the Stipulation or the City of Flagstaff's access to surface water or groundwater supplies, or to wells or utility corridors as provided in the Stipulation; and

**WHEREAS**, in December 2002, following numerous public hearings, the Coconino County Board of Supervisors and the Flagstaff City Council passed a joint resolution supporting additional protection for lands surrounding Walnut Canyon National Monument and requested Federal authorization for a special resource and land management study of Federal lands surrounding Walnut Canyon National Monument to determine how best to protect the lands and resources in perpetuity while allowing existing uses to continue; and

**WHEREAS**, the resolution passed by the Coconino County Board of Supervisors and the City of Flagstaff requested that the study recommend the most desirable and feasible means for the future management of the Walnut Canyon Study Area and the management designation best suited to ensure in perpetuity protection for the Study Area and ensure continued opportunities for public access, enjoyment, recreation and economic benefit; and

**WHEREAS**, in 2009, the United States Congress authorized and the President signed the Walnut Canyon Study Act into law (Public Law 111-11) directing the Secretary of Agriculture and the Secretary of Interior to jointly conduct a special study of management options in the Walnut Canyon Study Area; and

**WHEREAS**, following the authorization of the Walnut Canyon Special Study, the National Park Service and the U.S. Forest Service initiated the Walnut Canyon Special Study which provided data collection, assessment of the resources and coordination of interagency meetings and public meetings throughout the region; and

**WHEREAS**, on January 31, 2014, the National Park Service and the U.S. Forest Service transmitted the Walnut Canyon Special Study to the Secretaries of the Interior and Agriculture and identified three management options for the Federal land surrounding the National Monument: 1) Continuation of current management by the U.S. Forest Service, 2) Congressional designation of a special management area, and 3) Congressional action that prohibits exchange of federal lands to other than federal land management agencies. All three options retain management by the U.S. Forest Service; and

**WHEREAS**, the Flagstaff City Council has reviewed all three options identified in the final Walnut Canyon Special Study to determine if the options can achieve the goals of protection and of maintaining current uses as identified in the 2002 joint resolution and are consistent with and do not modify the Stipulation signed in 2001; and

**WHEREAS**, the Flagstaff City Council supports the second option, namely, Congressional designation of a special management area, such as a National Conservation Area, that will meet the goals of the 2002 resolution, including Congressional protection for the Federal lands within the Study Area as well as ensuring continued opportunities for public access, enjoyment, recreation and economic benefit; and

**WHEREAS**, the support of the second option would not be directly applicable to the Arizona State Trust Lands, private land, surface or mineral land holdings within the Study Area. Federal land and resource management strategies, agency policies and designation would apply to these state lands only, if and when they have been transferred to federal agency management.

**WHEREAS**, a Congressional designation of a special management area, such as a National Conservation Area, can incorporate the gold standard for protection against loss of federal land by exchange. The protection would be the same as that for National Parks provided that it is subject to and does not modify the Stipulation; and

#### **ENACTMENTS:**

**THEREFORE, BE IT RESOLVED THAT**, the Flagstaff City Council supports the continued protection of lands surrounding Walnut Canyon National Monument through a Congressional

designation of a special management area, such as a National Conservation Area, to provide the highest level of protection for Federal land; provided however that the legislation expressly ensures and confirms the following:

- a) Existing public uses as allowed by the U.S. Forest Service (See definitions);
- b) Rights and uses defined and agreed upon in “Stipulation between the City of Flagstaff and the United States on behalf of the National Parks Service and the Forest Service in RE the General Adjudication of all rights to use water in the Little Colorado River system and source (Civil No. 6417)”; and
- c) New utility corridors shall be allowed within existing or adjacent to existing utility corridors if they are consistent with the Stipulation and when existing corridors are used to their maximum capacity, given obtaining appropriate environmental permits and environmental and visual impacts are acceptable or the proposed utility is incompatible in the existing right-of-way.

**DEFINITIONS:**

1. Existing Public Uses as Allowed by the U.S. Forest Service:
  - a) Access to forested areas
  - b) Bird watching
  - c) Camping
  - d) Driving for pleasure on roads/trails
  - e) Education
  - f) Firewood gathering
  - g) General exercise
  - h) Group uses
  - i) Hiking
  - j) Horseback riding
  - k) Hunting
  - l) Livestock grazing and associated infrastructure
  - m) Mountain biking
  - n) Non-motorized winter sports
  - o) Painting
  - p) Rock climbing
  - q) Sightseeing
  - r) Snowmobiling
  - s) Target practice as permitted
  - t) Walking with pets
  - u) Wildlife viewing

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 20th day of January, 2015.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM

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CITY ATTORNEY