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Section One: Introduction

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1. Customs and Culture of Kane County, Utah

Kane County is a huge natural resource-oriented county. Isolated geography, a semi-arid climate, sparse vegetation, and rugged terrain kept both Native American and pioneer settlements relatively small. Experienced desert colonizers of the Mormon faith found homesteading to be very difficult, resulting in most of the land base remaining under public management. Early Mormon settlements were centered on limited irrigated croplands near reliable water sources that supported sheep and cattle ranching. From the first pioneering efforts in the early 1860s to the present day, ranching has been important to the people who settled and now live in Kane County. The objects and values gleaned from these early Kane County pioneers are essential elements of Kane County's economy and culture.

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A. Historical Perspective

Native Americans inhabited Kane County for thousands of years prior to European contact. Nomadic hunter-gatherers passed through the area as they traveled to the nearby plateaus to hunt. The first semi-permanent settlement of the area was undertaken by the Anasazi or Ancestral Puebloans around the birth of Christ. About the same time the Fremont culture established semi-permanent settlements in the Long Valley area. These groups left the area in approximately 1300 A.D. Most researchers believe the movement was caused by a combination of drought and raids by other Native Americans. Paiute, Navajo, and Hopi tribes used the area as hunting grounds, but permanent settlements were scarce. European explorers and settlers found mainly nomadic Southern Paiutes inhabiting the area during the late 18th and early 19th centuries.

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The barrier created by the Grand Canyon and Colorado River kept early Spanish explorers from reaching Kane County for hundreds of years. The Escalante/Dominguez party was the first European group to enter the region. They explored a lot of Utah and Northern Arizona searching for a route from Santa Fe to California. In 1776, they crossed the Colorado River at the "Crossing of the Fathers". A spur of the Old Spanish Trail is said to have crossed through Kane County near the Utah/Arizona border. This trade route carried considerable traffic during the early 19th century. However, no permanent settlement was attempted. The area became part of the United States in 1848 as a result of the Treaty of Guadalupe Hidalgo.

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The first settlement in Kane County was undertaken in the mid-19th century by Mormon ranchers and settlers. These members of the newly-formed Church of Jesus Christ of Latter-day Saints arrived in the Great Basin in 1847 after being driven from their homes in Illinois and Missouri. They established several small agrarian villages and extended their colonization into California, Nevada, Arizona, and Mexico.

The desert highlands south of Kanab were found to be excellent winter range for livestock. A number of Mormon ranchers established grazing operations in the early 1860s. The Long Valley area north of the desert was the first area to be settled permanently. Small settlements were established in the mid-1860s at Glendale and Alton. Mormon settlers established Kanab in 1870.

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Settlers farmed the bottom lands near streams, grazing livestock on the high plateaus during the summer and desert highlands in the winter. The small towns prospered because residents established orchards, field crops, and livestock grazing operations. Unfortunately, a drought from 1879-82 caused a severe shortage in irrigation water. The drought was followed by three years of flooding which deepened the channel of Kanab Creek by almost 60 feet. This caused most of the farm land to wash away.

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But the early settlers were experienced desert colonizers and they survived the trying times. They continued to expand the agricultural base upon which their livelihood was dependent. Population levels remained fairly constant during the late 19th century. One of the most successful communal organizations in the history of the United States was established by Mormons in Orderville.

Early explorers also brought prospectors searching for minerals and high grade uranium deposits were discovered in the mid 20th century. Most deposits played out quickly, but resulted in a comprehensive view of mineral resource potential, focused on large coal pockets near Alton and the Kaiparowits plateau. Miners and supporting businesses settled in Kane County, but worked mainly in Arizona where significant uranium deposits were located.

High plateaus covered with timber also brought timber harvesting operations which supplied building materials to local residents and timber to larger markets The Kaibab Forest Products sawmill in Fredonia, Arizona became a major year-round employer. But concerns with wildlife habitat and other environmental issues, combined with economic downturns caused major reduction in timber harvests.

The economy of the area remained based upon livestock grazing. In the 1930s the establishment of Grand Canyon National Park and the Kaibab Game Reserve created a demand for tourist services. The first economic "boom" in the tourism industry occurred between 1930-1950 as the area became a famous location for shooting western films and television episodes. Over 100 feature length westerns have been filmed in Kane County. Although eastern Kane County had been sparsely settled, the construction of Glen Canyon Dam in the 1950s created the towns of Page, Arizona; Big Water, Utah; and Bullfrog Marina on the northeastern side.

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The Colorado River formed the eastern boundary of Kane County. Efforts to harness the river by the construction of Glen Canyon Dam created Lake Powell, a huge reservoir that impounded over 24 million acre feet of water (when full). Creation of the dam brought new employment opportunities in construction, electricity generation, maintenance, recreation, and hospitality services.

B. Kane County Today

Figure 1: Kane County, Utah was named for Thomas L. Kane – "Friend of the Mormons"

The county seat in Kane County is Kanab, which is also known as "Little Hollywood" because over 100 western films and television episodes have been filmed in the area. Film making continues to the present day, as evidenced by a recent shoot of John Carter on Mars (*Walt Disney Pictures*) completed in 2010.

World class scenic attractions abound in and around the county. Visitors come to experience Zion National Park to the west, Bryce Canyon National Park to the north, Grand Canyon National Park to the south, and Glen Canyon National Recreation Area to the east. In the center of this majestic landscape is the Grand Staircase-Escalante National Monument and to the northeastern corner is Lake Powell, which draws millions of visitors each year. Many outfitters, guides, hotels, motels, restaurants, gas stations and other service providers cater to the multitude of tourists who come on an annual basis to enjoy the grandeur.

Recreational use of the land in Kane County has rapidly increased as populations in Arizona, Nevada, California, and Utah have grown. Those seeking recreation (through motorcycling, trail biking, snowmobiling and other motorized and non-motorized vehicle use, horseback riding, hiking, fishing and hunting) have flocked to the open spaces the county offers. In addition, more and more people are coming to Kane County for retirement living. Although recreational and traditional uses of the land are increasing, so far, cooperative efforts have kept conflicts to a minimum.

However, economic forces and federal land management schemes in the early 21st century have combined to force dramatic changes in Kane County. Forest product producers have disappeared and Uranium mining in Arizona is being curtailed because of a 20-year withdrawal established in 2013. Only two mines are currently operating on the Arizona Strip and ranching is becoming more challenging every year. Yet, these natural resource-based activities are elemental to the customs and culture that formed the quality of life in Kane County.

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Kane County has maintained its customs and culture throughout its history. Mining, ranching, and farming operations are still a priority. Life for the early settlers was never easy; water was scarce and access difficult. The early residents worked hard to establish their livelihood, and today's residents work hard to maintain it. They have always been diligent in pursuing legal protection of their private property rights and today's residents continue with that diligence.

Residents of Kane County are independent and strong-willed. They must be to survive the rigorous life in this country. Private property rights and interests are important to the residents of Kane County. Private ownership and the incentives provided by that ownership are a driving force behind the innovativeness which has allowed the continuation of the custom, culture and lifestyle of the county.

C. Main Concerns

One of the common themes that cross all economic and cultural foundations in Kane County is access to public lands. Access rights-of-way and water rights were critical to the early pioneers in Kane County and remain critical today. The federal government controls 85.5% of the 2.6 million acres of land in the county. The State of Utah owns 8.1% of the land, leaving only 6.4% in private ownership. Crossing federal land is necessary for many private land owners to access their property and to exercise water rights, as well as to use adjudicated grazing preference rights. Viable and effective use of private land is totally dependent upon how federal and state lands are managed.

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To manage land within the Escalante Region Multiple Use/Multiple Functions Grazing Zone, Kane County promotes responsible management, enhancement, and development of existing and future livestock grazing resources. Accountable planning would provide protection for the resources that established the customs, culture, and values of Kane County. This includes the responsible development of abundant deposits of energy and mineral resources, such as oil, natural gas, oil shale, oil sands, coal, gold, uranium, and copper, which are compatible with grazing activities in the region.

2. Revised Statute 2477 Assertions

In 1866, Congress enacted a law to provide and protect access across federal lands for people reliant upon water, minerals and homesteads to earn their livelihood. That law, Revised Statute 2477 (“R.S. 2477”), provided simply that, "The right-of-way for the construction of highways over public land, not reserved for public uses, is hereby granted." Kane County ranchers developed such rights-of-way in the form of roads and trails which continue to be used today. This original grant of rights-of-way (established in 1866) did not require any formal recording, the rights-of-way being established by their construction, use, and subsequent acceptance by the State of Utah or a political subdivision thereof. R.S. 2477 was subsequently repealed by the Federal Land Policy and Management Act in 1976. A large number of R.S. 2477 roads had been constructed, used, and accepted by Kane County and the State of Utah prior to the 1976 repeal. Kane County has initiated litigation to perfect its ownership of such roads.

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3. Grazing Rights

In most of Kane County, privately owned land is adjacent to federal and state lands. Therefore, management decisions for federal and state lands directly impact the use and economic value of private land. Restrictions on, and reductions of grazing on federal lands, will require the ranchers to greatly increase grazing on private lands, reduce herd sizes, find alternative grazing land, or seek relief through a combination of these measures in order to remain economically viable. If ranchers are forced to graze herds solely on private land, the primary source of winter forage will be lost. Furthermore, forage costs will dramatically increase. There is no alternative land available in Kane County for grazing, so even if alternative forage is found outside the county, transportation costs will be extremely high. Reductions in herd size, higher feed costs, and increased transportation costs will result in a critically adverse outcome. Economists that have

studied the local grazing impact hold that for every dollar loss to the rancher, there will be a four-fold loss to business income in the surrounding areas of the county.

Kane County supports efficient and responsible (full) development within the Escalante Region Multiple Use/Multiple Functions Grazing Zone of all permitted, existing and future grazing resources, and other uses compatible with grazing activities.

Residents and visitors of Kane County have enjoyed and receive significant benefits to their health, welfare and economic stability and sustainability, through the custom, culture and heritage of livestock grazing.

4. Water Rights

Adequate water supplies are essential to farming and ranching activities in Kane County. Restrictions on use of irrigation water by federal management agencies through the guise of protecting wilderness, native species, and wild and scenic rivers will severely impact the economy of the county. Failure to manage uplands in a manner that maintains productive watersheds will likewise decrease irrigation water supplies and also adversely impact the economy of the county.

Early ranchers established water rights through the doctrine of prior appropriation. The earliest adjudicated rights in Kane County date to 1864. Today, holders of water rights continue to struggle to preserve water rights against federal land management encroachment.

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5. Multiple Use of Public Lands

The economic stability of Kane County rests upon continued multiple uses of federal lands. Tax revenue is available to the county mainly through the ad valorem property tax and the county's share of sales tax receipts. The limited amount of private property greatly restricts the tax revenue of the county. That limited tax base must be protected, and the continued vitality of that tax base is dependent upon continued multiple uses of federal lands. If multiple uses are restricted, business income will suffer and sales tax will be reduced. If grazing is restricted, financial pressure will be placed on the rancher which could result in ranchers going out of business. When that happens, the tax base of the county suffers, and the business income is also reduced.

Reductions in recreational use by federal management agencies result in adverse economic impact on the businesses which serve the users. Many of the recreational users of federal lands journey into Kane County from the surrounding areas for food, lodging and other services. They make convenience purchases on a regular basis. Such purchases aid the business income throughout the county.

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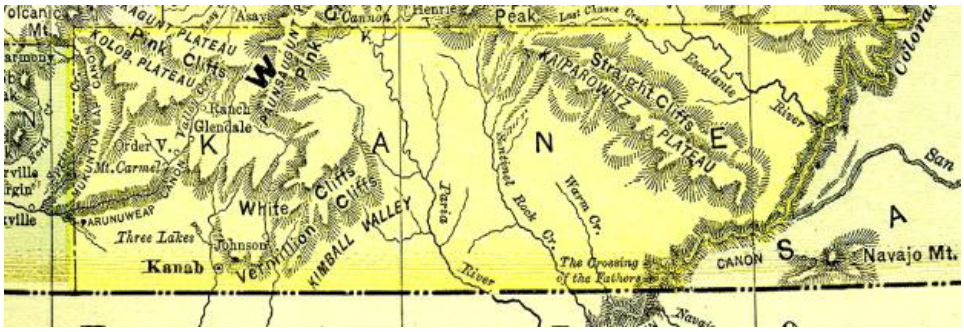

Figure 2: Historic Map of Kane County, Utah before the creation of Glen Canyon Dam and Lake Powell, showing the Vermillion, White and Pink Cliff of the geologic Grand Staircase.

Figure 3: Photo by Dr. Jack Share

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Section Two: Regional Resources