



# **KANE COUNTY, UTAH RESOURCE MANAGEMENT PLAN**

For the Physical Development of the  
Unincorporated Area

Pursuant to Section 17-27-301 of the Utah Code

**ADOPTED 28 NOVEMBER 2011**

Should any part of the Kane County Resource Management Plan be determined invalid, no longer applicable or need modification, those changes shall affect only those parts of the Plan that are deleted, invalidated or modified and shall have no effect on the remainder of the Resource Management Plan.

This document was prepared by the Division of Community and Economic Development of the Five County Association of Governments under the guidance and direction of the Kane County Resource Development Committee, Kane County Land Use Authority and the Board of County Commissioners. Funding used to prepare this document came from Kane County contributions, a Regional Planning grant from the Utah Permanent Community Impact Board and a Planning and Technical Assistance Grant from the U.S. Department of Commerce, Economic Development Administration.

## **Acknowledgments**

Every effective planning process includes a multitude of individuals if it is to be successful. This effort is no different. Many individuals have had an impact upon the preparation and adoption of this Plan. However, most important are the residents of Kane County, who have responded to surveys, interviews, and attended public meetings and hearings. All who did so should be commended for their desire to be a participant in determining the future of Kane County. Some specific individuals and groups have had intensive involvement in the Kane County planning process, and are acknowledged below:

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## Section One Preamble

### A. 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 settlement 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 across the public domain. From the first pioneering efforts in the early 1860's to the present day, ranching has been important to the people who settled and now live in Kane County. Today, many individuals still actively work ranches and other agricultural pursuits and are an important part of Kane County's economy.

Early exploration also brought prospectors searching for minerals with limited success until scattered high grade uranium deposits were discovered in the mid 20<sup>th</sup> century. Most deposits played out quickly, but resulted in a more comprehensive view of mineral resource potential, focused mainly on large coal resources near Alton and on the Kaiparowits plateau. Miners and supporting businesses settled in Kane County, but worked mainly in nearby Arizona where significant uranium deposits are located.

High plateaus covered with timber also brought sawmills, beginning with small mills supporting local demand, and expanding to large forest product producers with a national scope. Many families that came to the county in the mid to late 20th century were attracted by forest product employment.

The mighty Colorado River forms the eastern boundary of Kane County. Efforts to harness the river resulted in the construction of Glen Canyon Dam and created Lake Powell, a huge reservoir that attracts millions of visitors annually. Construction of the dam brought new employment opportunities in construction, maintenance and leisure/hospitality services.

Kane County and its county seat Kanab are known as “Little Hollywood” because of the dozens of western films and television episodes filmed in the county. Film making continues to the present day, as evidenced by a recent shoot of *John Carter on Mars* completed in 2010.

World class scenic attractions abound in and around Kane County. Visitors come to experience Zion National Park on the west, Bryce Canyon National Park on the north, Grand Canyon National Park to the south, and Glen Canyon National Recreation Area on the east. In the center of this majestic landscape is Grand Staircase Escalante National Monument. Many outfitters, guides, hotels, motels and restaurants cater to millions of tourists who come to enjoy the grandeur found in Kane County.

Recreation use of the lands in Kane County has rapidly increased as pressures from Arizona, Nevada, California and the Wasatch Front in Utah has rapidly grown. Kane County lies within easy reach of metropolitan areas. Utahns seeking recreation through motorcycling, trail biking, snow snowmobiling and other motorized and non-motorized vehicle use, horseback riding, hiking, fishing and hunting have flocked to the open spaces of Kane County. Cooperative efforts have kept conflicts to a minimum, and recreation use has become part of the regular and daily custom and culture of Kane County.

Economic forces and federal land management schemes in the early 21<sup>st</sup> century have combined to force dramatic changes in Kane County. Forest product producers have disappeared. Uranium mining in Arizona is being curtailed. Ranching becomes more challenging every year. Yet, these natural resource based activities continue to form the core of culture and customs across the county.

The custom and culture of Kane County has never altered from its historic beginnings. Mining, ranching, and farming activities provide the heritage of the County's residents, and they continue those activities today. The custom and culture of the County also includes the determination of its people. Life was never easy for the pioneers of Kane County. This is a land in which nature plays the upper hand. Water is scarce and access is difficult. The settling developers of this land worked hard to establish their livelihood, and today's residents work hard to maintain their livelihood. The settling developers were diligent in pursuing legal protection of their property rights. Today's residents continue with that diligence.

Kane County people 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. It is not a flight of fantasy to say that this independence of its people is part of the custom and culture of Kane County.

One of the basic common themes that crosses all economic and cultural foundations in Kane County is **access to the public lands base**. 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 Kane County. The state of Utah owns 8.1% of the land, leaving only 4.4% 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 a management style and technique for the federal and state lands which is compatible with the commercial and business activities which provide the base for economic stability of Kane County.

## **B. REVISED STATUTE 2477 ASSERTIONS**

In 1866 the Congress enacted law to provide and protect access across federal lands for people reliant upon water, minerals and homesteads to earn their livelihood. That act, Revised Statute

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. The Utah legislature passed a statute establishing a procedure by which counties could provide for recording of such rights of way established under the 1866 law repealed by the Federal Land Policy and Management Act in 1976. Kane County's Board of Commissioners used this procedure and Kane County residents have recorded their rights of way, and have initiated litigation to perfect Kane County's assertions.

### **C. GRAZING RIGHTS**

Privately owned land is adjacent to federal and state lands. Management decisions for the federal and state lands directly impact use of, and the economic value of, private land. Restrictions on, and reductions of, grazing on federal lands, for example, will require the rancher to greatly increase grazing on private lands, reduce herd sizes, find alternative grazing land, or seek relief through a combination of these measures. If ranchers are forced to graze herds solely on private ground, the primary source of winter forage will be lost. Forage costs will dramatically increase. There is no alternative land available in Kane County, so even if alternative forage is found outside the County, transport costs are extremely high. Reductions in herd size, higher feed costs, and increased transport costs result in a critically adverse outcome. Economists 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.

### **D. 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.

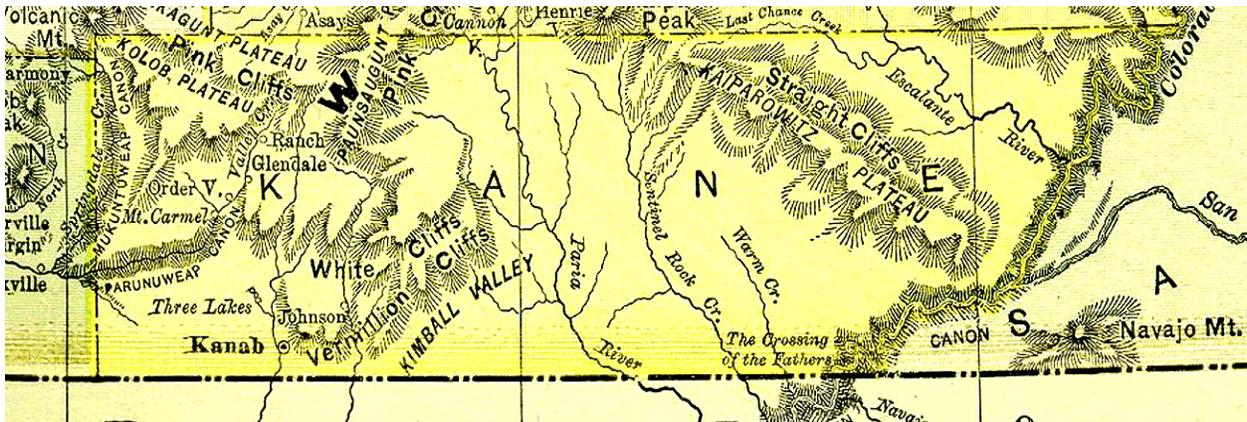
### **E. MULTIPLE USE OF PUBLIC LANDS**

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

The economic stability of Kane County rests upon continued multiple-use of the federal lands.

Tax revenue is available to the County mainly through the ad valorem property tax. Secondly is 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 use of the federal lands. If multiple-use is restricted, business income will suffer and sales tax will be reduced. If grazing is restricted, financial pressure will be placed on the rancher which may even result in his going out of business. When that happens, the tax base of the County suffers, and the business income is also reduced.

In such a slightly populated County as Kane, all sources of economic support must be maintained at their highest possible level. In order to sustain the economic stability of the County, the Board of Commissioners, County Land Use Authority and Resource Development Committee have dedicated themselves to a coordinated land use planning effort which can hold the federal management agencies to standards set by Congress regarding continuation of multiple uses of federal lands.



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



Photo by Dr. Jack Share at <http://written-in-stone-seen-through-my-lens.blogspot.com/2011/01/grand-staircase.html>

## Section Two Legal Authority

### **A. COUNTY RESOURCE DEVELOPMENT COMMITTEE**

The State Legislature has given county commissions the authority to appoint a Resource Development Committee pursuant to section 17-53-312 of the Utah Code. The Committee is charged to promote the development of the county's mineral, water, manpower, industrial, historical, cultural and other resources and make recommendations to the County Commission. This document lays out a series of resource development goals and objectives which will guide the efforts to the Resource Development Committee in coordination with the County Land Use Authority. Both will advise the County Commission regarding planning and development issues in a coordinated fashion.

### **B. UTAH STATE PLANNING COORDINATION**

The State of Utah has enacted a statewide Resource Management Plan for Federal Lands found at Title 63J, Chapter 8 of the Utah Code, and reproduced in Appendix \_\_\_\_\_. The state Resource Management Plan is hereby incorporated into this County Resource Management Plan, including the following major provisions guiding federal resource management coordination with state and local governments:

1. Preserve traditional multiple use/sustained yield management processes.
2. Do not employ management prescriptions that parallel, duplicate, or resemble wilderness management without congressional designation of wilderness areas.

3. Coordinate inventories for wilderness characteristics with state and local governments.
4. Achieve and maintain highest reasonably sustainable levels of energy, hard rock (including nuclear) resources.
5. Achieve and maintain highest reasonably sustainable levels of livestock grazing.
6. Achieve and maintain highest reasonably sustainable levels of watersheds.
7. Preserve traditional access for recreational opportunities.
8. Recognize and incorporate county transportation plans for motorized access.
9. Protect and preserve cultural resources in cooperation with the State Historic Preservation Office.
10. Preserve rights of access to private property.
11. Recognize and incorporate State School and Institutional Trust Lands Administration fiduciary agreement provisions when planning for uses near trust lands.
12. Oppose the designation of Areas of Critical Environmental Concern (ACECs) except in well-documented special cases.
13. Coordinate Visual Resource Management provisions with state and local governments. Class I and II VRM designations are generally not compatible with state and local plans.
14. Include a comprehensive socio-economic analysis in all decision documents.

According to Utah Code 63J.4.401(6), The state planning coordinator shall recognize and promote a comprehensive set of principles when preparing any policies, plans, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands. This set of principles is found in Appendix \_\_\_\_\_. Major provisions include:

1. Incorporate the plans, policies, programs, processes and desired outcomes of counties into state responses to federal resource management planning processes.
2. Identify inconsistencies and conflicts between state and local resource management plans, and seek resolution of the conflicts as early as possible.
3. Present unresolved conflicts to the Governor for a decision on how the state will proceed.
4. Develop, research, and use factual information, legal analysis and documents to aid in planning coordination activities.
5. Establish and coordinate agreements between the state and federal land management agencies.
6. Work in conjunction with political subdivisions to establish agreements for coordinated participation in federal land management planning processes.

Utah also employs a Public Lands Policy Coordinating Office, charged to assist in fulfilling the state planning coordinator's duties. Relevant direction in the statute includes:

1. Differences of opinion between the state's plans and policies on use of the subject lands and any proposed decision concerning the subject lands pursuant to federal planning or other federal decision making processes should be mutually resolved between the authorized federal official, including federal officials from other federal agencies advising the authorized federal official in any capacity, and the governor of Utah.
2. The subject lands managed by the BLM are to be managed to the basic standard of the prevention of undue or unnecessary degradation of the lands, as required by FLPMA. A

more restrictive management standard should not apply except through duly adopted statutory or regulatory processes wherein each specific area is evaluated pursuant to the provisions of the BLM's planning process and those of the National Environmental Policy Act.

### **C. FEDERAL LAND AND NATURAL RESOURCE PLANNING**

Two of the major federal landowners in Utah, the Bureau of Land Management (BLM), and the US Forest Service, are required to engage in land and natural resource planning processes, which can affect the use and development of natural resources. The Bureau of Land Management is required by Section 202 of the Federal Land Policy and Management Act of 1976 [FLPMA] to “develop, maintain, and... revise land use plans which provide by tracts or areas for the use of the [BLM] lands.” Similarly, the Forest Service is required to “develop, maintain, and... revise land and resource management plans for units of the National Forest System.” (16 U.S.C. 1604(a)

#### **a. Coordination And Consistency With State, Local And Tribal Government Plans**

Both the BLM and the Forest Service are required to coordinate their land and resource planning efforts with those of state, local and tribal jurisdictions. For example, the BLM is required to:

1. Become apprised of State, local and tribal land use plans
2. Assure that consideration is given to that State, local and tribal plans that are germane to plans for public lands
3. Assist in resolving.... inconsistencies between Federal and non-Federal Government plans. (43 U.S.C. §1712(b)(9)

Specifically, state and local officials are “authorized to furnish advice to the [BLM] with respect to the development and revision of land use plans.... guidelines....rules and regulations for the public lands.” (43 U.S.C. §1712(b)(9)). This is significant because land use plans adopted by the BLM are required to “be consistent with state and local plans to the extent consistent with Federal law and the purposes of [FLPMA]” (43 U. S.C. §1712(b)(9)). The duly adopted regulations of the BLM further define this consistency requirement by requiring that the BLM’s resource management plans shall be “consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of....State and local governments, and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies, and programs of federal laws and regulations applicable to public lands.” (43 C.F.R. §1610.3-1)

BLM regulations also provide that “in the absence of officially approved or adopted resource management plans of State and local governments... [Federal] resource managements plans shall, to the maximum extent practical, be consistent with officially approved and adopted resource related policies and programs of state and local governments.’ However, as before, this consistency only applies to the extent the policies and programs are “consistent with the policies, programs, and provisions of federal laws and regulations applicable to public lands.” (43 C.F.R. §1610.3-2(b).

The Forest Service is required to coordinate “with the land and resource management planning processes of State and local governments.” (16 U.S.C. §1640(a). The Forest Service’s planning regulations state that “the Responsible [Forest Service] Official must provide opportunities for the coordination of Forest Service planning efforts with those of other resource management agencies.” Furthermore, the agency’s planning regulations provide that the Responsible Official should seek assistance, where appropriate, from other state and local governments.... to help address management issues or opportunities.” (40 C.F.R. §1506.2(d).

#### **b. Federal Planning Criteria**

Counties may use duly adopted plans, programs or policies to directly influence federal natural resource and land planning efforts by informing the federal agencies of the plans and their provisions. As part of these plans, counties may want to make known their interpretation of the criteria the federal planning agencies must consider as land and resource management plans are developed. This could, for example, be used to define, among other things, the desired future conditions for the county’s economy, lifestyle, or recreational needs of the citizens, and the necessary use of the federal natural resources to achieve these desired future conditions.

#### **c. Forest Service**

The National Forests were originally set aside to provide a continuous supply of timber and for the protection of water sources for local communities and agricultural needs. Later, through the adoption of the Multiple Use Sustained Yield Act of 1960, Congress determined that the forests should be “administered for outdoor recreation, range, timber, watershed, and fish and wildlife purposes,” which purposes were declared to be “supplemental to, but not in derogation of” the original purposes. (16 U.S.C. § 528)

The Forest Service is required to “use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences” in its land and resource plans. The Forest Service must assure that the plans “provide for the multiple use and sustained yield of the products and services obtained there from in accordance with the Multiple-Use Sustained-Yield Act of 1960, and, in particular, include coordination of outdoor recreation, range, timber, watershed, fish and wildlife, and wilderness.” The plans must determine forest management systems, harvesting levels [of timber] and procedures,” based upon all of the uses mentioned above, the definitions of multiple use and sustained yield as laid out in the law, and the availability of lands and their suitability for resource management. (16 U.C.S. §1604(b) and (e).

The regulations of the Forest Service specifically define principles of planning Forest Service’s natural resources. (36 C.F.S. § 219.3) Land management planning is an adaptive management process that includes social, economic, and ecological evaluation; plan development, plan amendment, and plan economic, and ecological evaluation; plan development, plan amendment, and plan revision, and monitoring. The overall aim of planning is to produce

responsible land management for the National Forest System based on useful and current information and guidance. Land management and planning guides the Forest Service in fulfilling its responsibilities for stewardship of the National Forest System to best meet the needs of the American people (36.C.F.R. § 219.3(a)).

The Forest Service is also required, as part of the development and interpretation of information for plans, to consider and incorporate the concept and conditions of sustainability. “Sustainability has been interrelated and interdependent elements; social economic, and ecological.” (36 C.F.R. § 29.10).

The overall goal of the social and economic elements of sustainability is to contribute to sustaining social and economic systems within the plan area. To understand the social and economic contributions that National Forest System lands presently make, and may make in the future, the [Forest Service] must evaluate relevant economic and social conditions and trends during plan development (36 C.F.R. § 219.10(a)).

Expectations for ecological sustainability as well as ecosystem and species diversity are also provided.

#### **d. Bureau of Land Management**

FLPMA provides that the BLM must manage the lands under its jurisdiction (called public lands) “in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values” and will provide for, among other things, “outdoor recreation and human occupancy and uses,” and “food and habitat for fish and wildlife and domestic animals.” However, the BLM must specifically manage the public lands “in a manner which recognizes the Nation’s need for domestic sources of minerals, food, timber, and fiber from the public lands.” (43 U.S.C. § 1701 (8) and (12)).

The BLM is required to “use and observe the principles of multiple use and sustained yield” and, just as the Forest Service must “use a systematic and interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences” in the preparation of its plans. (43 U.S.C. § 1712(c)(1) and (2)). The BLM must also “consider present and potential uses of the public lands” and “provide for the compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans.” (43 U.S.C. § 1712(c)(5) and (8)).

#### **e. Multiple-Use and Sustained Yield**

Both the Forest Service and the BLM are required to manage the lands under their jurisdiction pursuant to the principles of “multiple use” and “sustained yield.” These terms have been defined within the provisions of FLPMA for the BLM and within the provisions of the Multiple-Use Sustained Yield Act of 1960 for the Forest Service. Both definitions are lengthy and worthy of

careful study. It is apparent that the definitions are not crystal clear, leading to differing interpretations concerning development or preservation of the natural resources and the environment.

The definitions do state, however, that multiple uses are to be considered in the context of the best combination of land use that meet the present and future needs of the nation with respect to recreation, range, timber, minerals, watershed, fish and wildlife, and natural, scenic, and historical values. “Furthermore, it states that these resources are to be managed in a “harmonious and coordinated” manner that does not lead to “permanent impairment the productivity of the land and quality of the environment.” Finally, multiple use does not, by definition, mean the greatest economic return or the greatest unit output” for the natural resources. (43 U.S.C. § 1702 c) See also (16 U.S.C. § 531(a).

For the Forest Service, the “establishment and maintenance of areas of wilderness” is specifically determined to be consistent with the principle of multiple use. (16 U.S.C. 529). The term “sustained yield” is defined to mean the achievement of a “high level annual or regular periodic output of the various renewable resources of the public land consistent with multiple use.” (43 U.S.C. § 1702(h). See also 16 U.S.C. § 531(b).

#### **f. National Environmental Policy Act and Cooperating Agency Status**

Preparation of land and natural resource management plans by BLM and the Forest Service is a major federal action requiring the preparation of an Environmental Impact Statement (EIS) under the provisions of the National Environmental Policy Act (NEPA). (42 U.S.C. § 4231 *et. seq.*)

NEPA requires federal agencies to fully disclose the nature and condition of the environment within the area of interest. Under NEPA, agencies must formulate various alternatives for proposed management, and to compare those alternatives to a “no-action” alternative of continuing the current management scheme. NEPA specifically requires the agency preparing the EIS to seek decisions that, among other things, “attain the widest range of beneficial uses of the environment without degradation,” “preserve important historic, cultural and natural aspects of our national heritage,” “achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities.” (42 U.S.C. 4331 (b).

The development of an EIS by a federal agency as a part of the process to decide upon a land and resource management plan or proposed project has a number of well established steps. Each of these steps provides as an opportunity for comment by local government based upon their own plans and policies. These steps, in general, are:

1. The “scoping” of the issues
2. Preparation of an analysis of the management situation
3. Preparation of the various alternatives with the associated necessary management scenarios and conditions
4. Issuance of a “draft EIS” for public comment
5. Issuance of a final EIS and the “proposed record of decision,” which lays out the proposed final decision including the terms and conditions for management of the lands and natural

resources for the life of the plan or for that specific project. Issuance of the proposed record of decision is followed by a period for protest by interested parties, which, upon resolution of the protests, is followed by adoption of the record of decision and implementation of the plan.

For plans of the BLM, the Governor of the State is given an opportunity for a consistency review immediately following the issuance of the Proposed Record of Decision. BLM is required to “identify any known inconsistencies with State or local plan, policies, or programs,” and to “assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans.” The Governor is given sixty (60) days to “identify inconsistencies and provide recommendations in writing” in response. The BLM must accept the recommendations of the Governor if the BLM State Director determines that the recommendations “provide for a reasonable balance between the national interest” and the State’s interest. (43 U.S.C. §1712(b)(9) and 43 C.F.R. § 1610.3-2(e). See also 40 C.F.R. -1506.2(d).

The Federal Council on Environmental Quality has issued regulations related to the implementation of NEPA. One of these regulations provides for the elimination of duplication with state and local processes. The regulation requires agencies to “cooperate” with state and local agencies to the fullest extent possible to reduce duplication between NEPA and state and local requirements. This cooperation specifically includes:

1. Joint planning processes
2. Joint environmental research and studies
3. Joint public hearings
4. Joint environmental assessments (40 C.F.R. § 1506.2(b))

The Council on Environmental Quality has also supported an invitation to state and local governments to become “cooperating agencies” in the preparation of federal land and natural resource management plans and associated EIS’s. The invitation to become a cooperating agency is not based on the fact that state or local government are entities that may be affected by the outcome of the process. Instead, cooperating agency status is specifically based upon state or local government’s position as professionals having jurisdiction by law in the planning area or professionals holding special expertise in an issue that will be addressed in the analysis or decision. (June 24, 2005 memo from James Connaughton, Chairman of the CEQ). This status does not relieve the federal agency of the responsibility as the decision-maker, and does not guarantee a decision that the responsibility as the decision-maker, and does not guarantee a decision that the cooperating agency may necessarily favor. Cooperating agency status does allow the cooperators to participate in the scoping process, the inventory of data and analysis of the current situation process, the preparation of alternatives, the impact analysis, and in the current situation process, the preparation of alternatives, the impact analysis, and in the preparation of the draft and final EIS’s. Participation as a cooperating agency in federal planning efforts will specifically require the cooperators to respect the timing and confidentiality inherent in the federal process. Failure to adhere to these conditions may lead to revocation of cooperating agency status. BLM has proposed a regulatory rule change that would solidify the cooperating agency concept in BLM planning, stating that a “cooperating agency relationship” would implement the requirement under FLPMA to coordinate with state and local government (69 F.R. 43378.)

**g. Federal Advisory Committee Act**

The Federal Advisory Committee Act of 1972 (FACA) was enacted to formalize and stabilize the process which federal agencies receive advice from the interested parties. It establishes conditions under which federal agencies may establish such committees; how they must be composed and chartered, and requires meetings and activities to be open to the public. FACA does not affect the requirement under FLPMA to coordinate with state and local governments, nor does it affect the establishment of a cooperating agency relationship. FACA also does not apply to any state or local committee or other group including land and natural resource utilization issues. (5 U.S.C. Appendix)

## Section Three

### Economic Conditions

Census 2010 shows that Kane County's population reached 7,125 persons. Historically, Kane County has had the smallest population of the five-county region, with a population that remained below 2,500 through 1970. Since 1970, the county has added a total of 4,704 persons, with net in-migration accounting for more than half of the county's growth from 1970 to 2010. Kane County's minority population is very small in both number and share. In the 2010 census, 309 minority persons were living in Kane County, representing 4.3 percent of the population—the lowest share in the region. Hispanics are the single largest group, representing 85 percent of the minority population.

Nonagricultural employment in Kane County totaled 2,927 in 2010, a five-fold increase since 1970, but a decrease from levels before the economic decline of 2008-2010. This represents an average annual growth rate of 4.5 percent.

Since 1970, Kane County's economy has shifted from concentrations in government and trade to a significant concentration in services, primarily tourism-related. In 1970, government and trade accounted for 60 percent of jobs in the county. By 2010, government's share of employment had fallen to 28.5 percent, and trade/transportation/utilities to 14.3 percent. Employment in services totaled 1,161 and accounted for 45 percent of all jobs. The leisure and hospitality sector is the largest of the service sectors, accounting for 20 percent of all nonfarm jobs.

The 2010 average monthly wage in Kane County was \$2,207— 68 percent of the state average. The highest-paying jobs were in manufacturing (\$3,206), followed by professional, scientific and technical services (\$2,805). The lowest-paying jobs were administrative and technical support (\$1,393) and retail trade (\$1,358).

Kane County has the region's largest share of its workforce working out-of-state and the largest number of net out-commuters (312). In 2009, 21 percent of Kane County workers commuted to jobs outside the county; 10.8 percent worked outside Utah, primarily in Arizona.

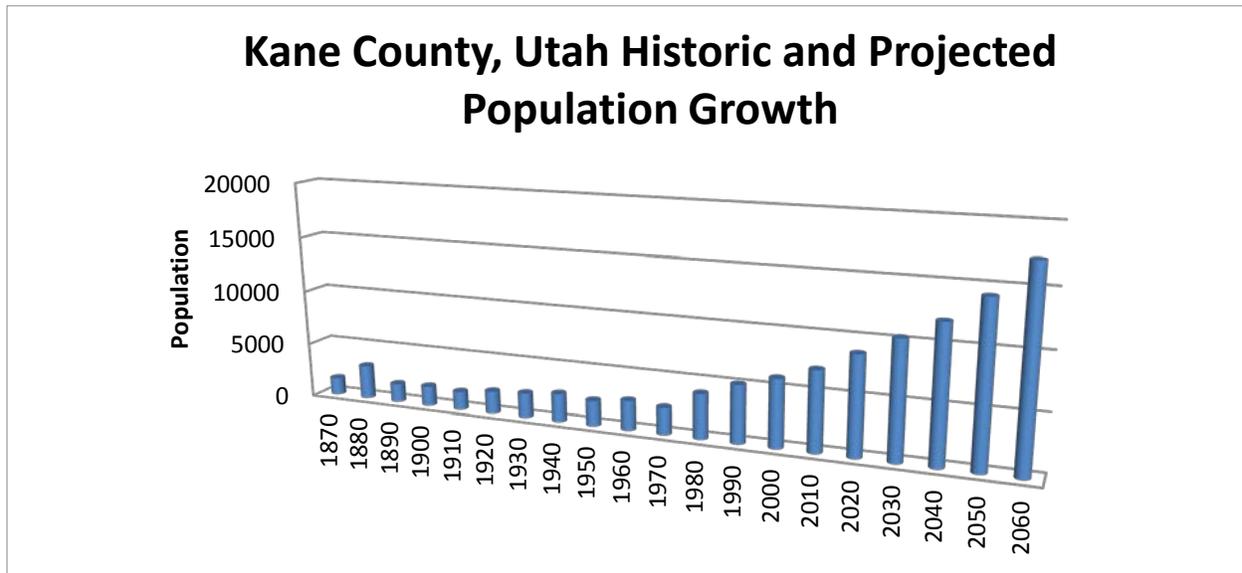
In 2010, Kane County had a housing inventory of 5,815 units. Over 41 percent of these were seasonal or recreational units, the highest percentage of the five southwestern counties. The number of occupied units was 2,900, of which just 737 or 25.4 percent were rental units.

More than 64 percent of all housing units in Kane County have been built since 2000, reflecting the housing boom that began in the region in 2005 when residential construction reached an all-time high of 300 new units. From 2000 to 2010, permits for a total of 1487 dwelling units were issued in Kane County.

By 2020, Kane County's population is projected to be 8,746, growing at an annual rate of 1.9 percent. Most of this gain will be in the working-age population (18–64), which is projected to

increase from 3,246 in 2000 to 4,910 in 2020. The school-age population (0–17) is expected to grow at the slowest rate and by 2020 will represent about 27 percent of the population, down from 29 percent in 2000. The retirement-age group (65+) will increase to 456, but as a share of total population remains unchanged at 16.8 percent.

Employment in Kane County is projected to increase at an annual rate of 2.6 percent, from 4,116 in 2005 to 6,028 by 2020, with little change in the overall structure of the economy. The fastest-growing sector will be leisure and hospitality, adding 630 jobs over the period and accounting for about 28 percent of all jobs in the county by 2020. Other fast-growing sectors will be other services (305 new jobs) and government (304 new jobs). The fewest job gains will be in information (13) and manufacturing (80). The natural resources and mining sector will actually lose jobs, with a corresponding decline in its employment share from 4.7 percent to 2.9 percent.



Source: US Census and Utah Governor's Office of Planning and Budget

## Section Four

### Statement on Existing Management Conditions

#### A. LOCATION AND SETTING

##### 1. Geology

Kane County has a geologic history reaching back over a billion years. Approximately 270 million years of this history is revealed in the rocks, paleontology, and scenery of the county. The oldest rocks found in the county record a time when the equator angled northeast from southern California past the southeastern corner of Utah. Kane County was then marginal marine lowlands of streams, flood plains, and tidal flats. The sea lay to the west, but occasionally spread east across the area leaving beds of limestone with sea shells, sponges, and other fossils between red beds of sandstone and mudstone. The Hermit, Toroweap, Kaibab and Moenkopi Formations record these events covering the first 35 million years (middle of the Permian through early Triassic) of geological history. Periods of erosion are recorded between the Kaibab and Moenkopi Formations and between the Moenkopi and Chinle Formations. Reptile tracks are found in beds of the Moenkopi Formation. These Permian through Triassic formations are seen in the Buckskin Mountain areas of the county.

During the late Triassic, this region was again subjected to a period of erosion before being covered by great sand dunes in early Jurassic time (208 to 187 million years ago). The depositional environment changed from windblown sand dunes to stream laid sand beds and back to windblown sand dunes. Early Jurassic rocks form the Vermillion (Wingate/Moenave and Kayenta Formations) and White cliffs (Navajo Sandstone) of the Grand Staircase. Though generally void of fossils, these rocks occasionally exhibit the fossilized tracks of reptiles including small to medium sized dinosaurs.

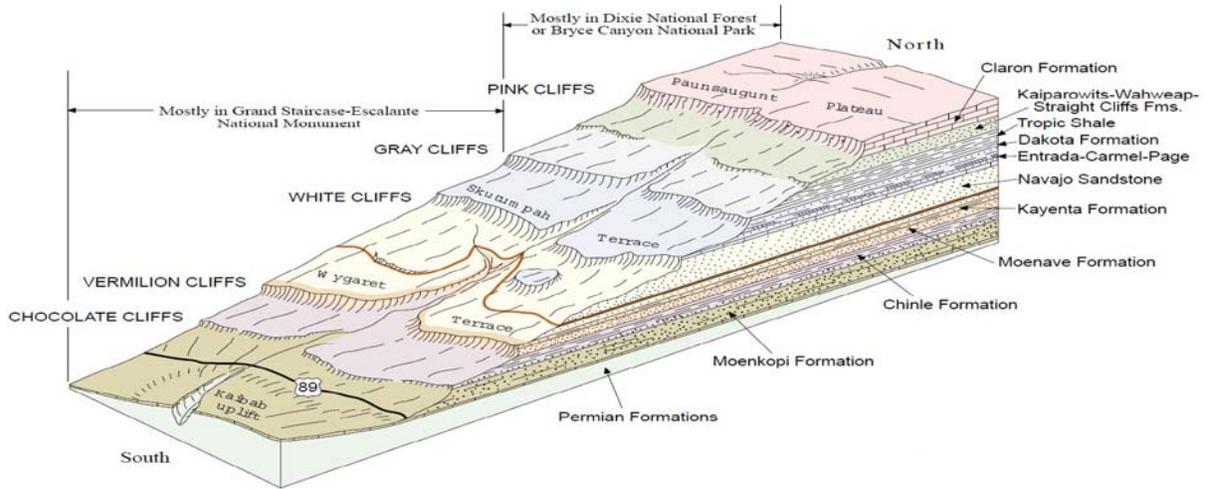
The middle Jurassic is represented by the Carmel Formation. It is composed of color banded layers of sandstone, limestone, calcareous shale, siltstone, gypsum, and mudstone deposited in and near the southern edge of a shallow sea that advanced into the area from the north. Limestones contain marine fossils of mollusks, brachiopods, crinoids, coral and algae. Desert sand dunes of the Entrada Formation formed on top of the Carmel Formation as the sea retreated to the north. Another period of erosion occurred before the Late Jurassic Morrison Formation (famous for its dinosaur fossils) was deposited by in lakes and east flowing streams. The Morrison is found on the east side of the county at the foot of the Straight Cliff and southeast of the Kaiparowits Plateau. Middle and Late Jurassic sedimentary formations along with erosional periods span time from about 180 to 144 million years ago. Early Cretaceous erosion and non-deposition represent a period of 45 million years.

During Late Cretaceous time, mountains rose to the west and provided sediments for streams flowing east into a great continental sea. This sea covered most of the interior continental United States from Alaska to the Gulf of Mexico. As sediments accumulated, the area along the shore

sagged. The shoreline moved back and forth from east to west creating a series of alternating terrestrial-marine deposits covering over 30 million years at the end of the Cretaceous Period. The Dakota Formation was deposited on remnants of either Morrison (east) or Entrada (west) and is a mix of stream sediments and near-shore marine deposits. The Dakota was covered by marine clays of the Tropic Shale. Deposition continued, becoming more terrestrial through time, resulting in the Straight Cliffs Formation, the Wahweap Formation, and the Kaiparowits Formation. These formations are seen on and around the Kaiparowits Plateau and form the Gray Cliffs of the Grand Staircase.

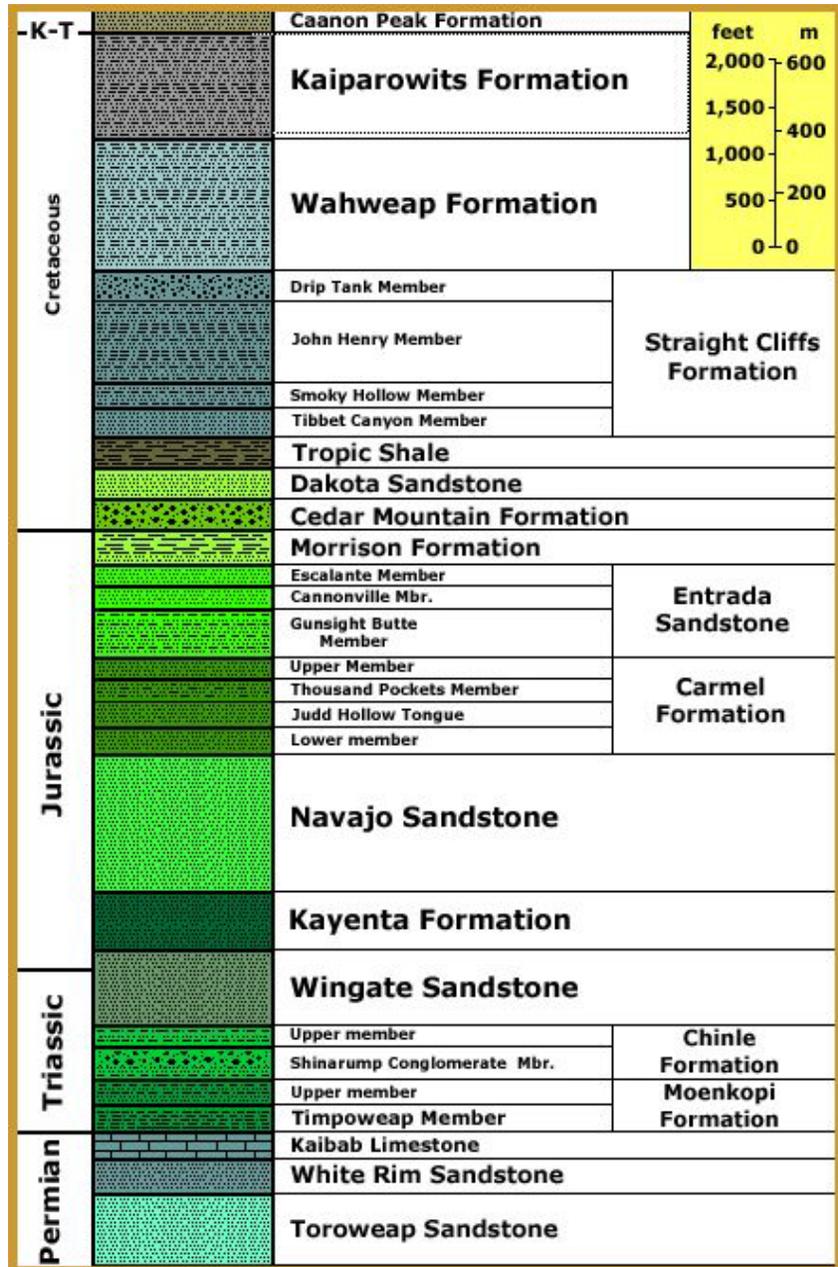
The thickness, continuity and broad temporal distribution of the Kaiparowits Plateau's stratigraphy provide opportunities to study the paleontology of the late Cretaceous Era. Extremely significant fossils, including marine and brackish water mollusks, turtles, crocodylians, lizards, dinosaurs, fishes, and mammals, have been recovered from the Dakota, Tropic Shale and Wahweap Formations, and the Tibbet Canyon, Smoky Hollow and John Henry members of the Straight Cliffs Formation. Within the county, these formations have produced the only evidence in our hemisphere of terrestrial vertebrate fauna, including mammals, of the Cenomanian-Santonian ages. This sequence of rocks, including the overlying Wahweap and Kaiparowits Formations, contain one of the best and most continuous records of Late Cretaceous terrestrial life in the world.

The Canaan Peak Formation straddles the boundary between the Cretaceous and Tertiary Periods. The beginning of the Tertiary Period marked the end of marine environments in or near the monument. The dinosaurs had become extinct and radical changes began to occur in the geology of the county. Several large lakes occupied an area from southwestern Wyoming to southwestern Utah. The Claron Formation, seen as the Pink Cliffs at Bryce Canyon, was deposited at this time. The Tertiary Period lasted about 64 million years during which time Utah experienced uplifts, folding, faulting, and volcanism. Uplift of the Colorado Plateau and Utah in general over the last 15 million years, activated the erosional cycle which uncovered geologic formations dating back 270 million years and created the topography and scenery we now see in the county. Quaternary sediments (younger than 1.6 million years) also occur in the county and have a potential for Pleistocene fossils.



Cross-sectional Diagram of the Grand Staircase from *Geology of Grand Staircase-Escalante National Monument* by Doelling, et al

## Stratigraphy of Kane County, UT



Stratigraphy after: Doelling, H.H., Blackett, R.E., Hamblin, A.H., Powell, J.D., and Pollock, G.L., 2000, Geology of Grand Staircase - Escalante National Monument: In *Geology of Utah's Parks and Monuments*, Sprinkel, D.A., Chidsey, T.C., and Anderson, P.B., eds., Utah Geological Association Publication 28., p. 189-231. And, Hintze, L.F., 1988, *Geologic History of Utah; A Field Guide to Utah's Rocks*: Brigham Young University Geology Studies Special Publication 7, p. 194 [Uinta Basin chart 98].

## 2. Watersheds

The county lies across four broad watersheds, all part of the Colorado River system. The Escalante River system flows from the Aquarius Plateau and Boulder Mountain into the upper portions of Lake Powell. Last Chance Creek and Wahweap Creek are the principal tributaries off the Kaiparowits Plateau, flowing into the main body of Lake Powell. The Paria River-Kitchen Corral Wash system extends from the Bryce Canyon-Bryce Valley area, terminating below Glen Canyon Dam near Lee's Ferry. Johnson Wash flows southward into Kanab Creek and eventually into the Grand Canyon. Less than ten percent of these are perennial streams and primarily include Kanab Creek, the Paria River, and Last Chance Creek.

Precipitation within the county varies from 7 to 18 inches annually. Winter-time precipitation varies from 4 to 12 inches and is the primary source of recharge of ground-water systems. Winter precipitation is the greatest along the northwest border of county in the higher elevations of the Paunsaugunt Plateau.

## 3. Soils

Soils present in the county form the base on which ecosystems develop. Understanding the condition of soils is important to the management of many resources. Resource data on soils varies in level of detail across the county. Presently, there are two levels of data available for the county. These data-sets are as follows:

Kane County Soil Survey - this unpublished report is presently only in a file format and was conducted at a scale of 1:63,360 (1 inch per mile).

STATSGO - The State Soil Geographic Database is generalized soil survey information for the entire state of Utah. This data was collected at a scale of 1:250,000 and can be used at a county or regional level.

There are three climatic zones in the county, summarized below, in which soils information can be generalized.

| Climate Zones  |                    |                   |                           |                  |
|----------------|--------------------|-------------------|---------------------------|------------------|
| Climatic Zones | Precipitation (in) | Temp. (degrees F) | Freeze Free Period (Days) | Elevation (Feet) |
| Desert         | 6 to 8             | 50 to 57          | 170 to 200                | 4000 to 4800     |
| Semi-desert    | 8 to 12            | 47 to 55          | 125 to 170                | 4800 to 6500     |
| Upland         | 12 to 16           | 43 to 50          | 100 to 125                | 6200 to 7500     |

The Desert climate zone is found in two general areas of the county:

The Sooner Bench area of the Hole in the Rock Road is typified by soils of very minimal soil development. Soils typically only have developed a horizon of calcium carbonate (lime) accumulation or no other noticeable subsoil development. Structural benches and dunes on Navajo and Entrada Sandstone, the Carmel Formation and quaternary alluvial deposits characterize this area. Important vegetation for this area includes blackbrush, Cutler Mormon-tea, broom snakeweed, Indian ricegrass and galleta.

The Big Water area is typified by soils of very minimal soil development, with no noticeable subsurface horizon development. Hill slopes and badlands on Tropic Shale, Dakota Formation and lower members of the Straight Cliffs Formation characterize this area. Important vegetation for this area includes mat saltbush, shadscale, galleta, bottlebrush squirreltail and Indian pipeweed.

The Semidesert climate zone is found in two general areas of the county.

The Western area of the Hole in the Rock Road is typified by very deep (>60 inches) soils with developed horizons of clay and calcium carbonate (lime) accumulation. Structural benches and dunes on Entrada Sandstone, the Carmel Formation and quaternary alluvial deposits characterize this area. Important vegetation for this area includes Indian ricegrass, needleandthread grass, globemallow, fourwing saltbush, Mormon-tea and winterfat.

The Highway 89 area between Johnson Canyon and the Cockscomb is typified by very deep soils (>60 inches deep) with development of calcium carbonate (lime) and clay accumulation subsurface horizons. The Moenkopi Formation and quaternary alluvial deposits dominate as the parent material of this area. Important vegetation for this area includes Indian ricegrass, galleta, winterfat and big sagebrush.

The Semi desert to upland transition climate zone is found in two general areas of the county.

The Death Ridge, Carcass Canyon and Burning Hills areas is typified by shallow soils (10 to 20 inches deep) with minimal development of calcium carbonate (lime) horizons or no subsurface diagnostic horizons present. The Straight Cliffs Formation dominates as the parent material of this area. Typical landforms consist of structural benches with highly dissected side slope canyons and badland areas of exposed geologic materials. Important vegetation for this area includes galleta, blackbrush, Mormon-tea and Utah juniper.

The Forty Mile area (Wahweap WSA) is typified by shallow to moderately deep soils (10 to 40 inches deep) over the John Henry member of the Straight Cliffs Formation. Soil development consists dominantly of a horizon of calcium carbonate (lime) accumulation or little to no subsurface soil horizon development. Typical landforms consist of structural benches with highly dissected sideslope canyons. Important vegetation for this area includes Utah juniper, pinion, galleta, Mormon-tea and Bigelow sagebrush.

The Upland climate zone is found in three general areas of the county.

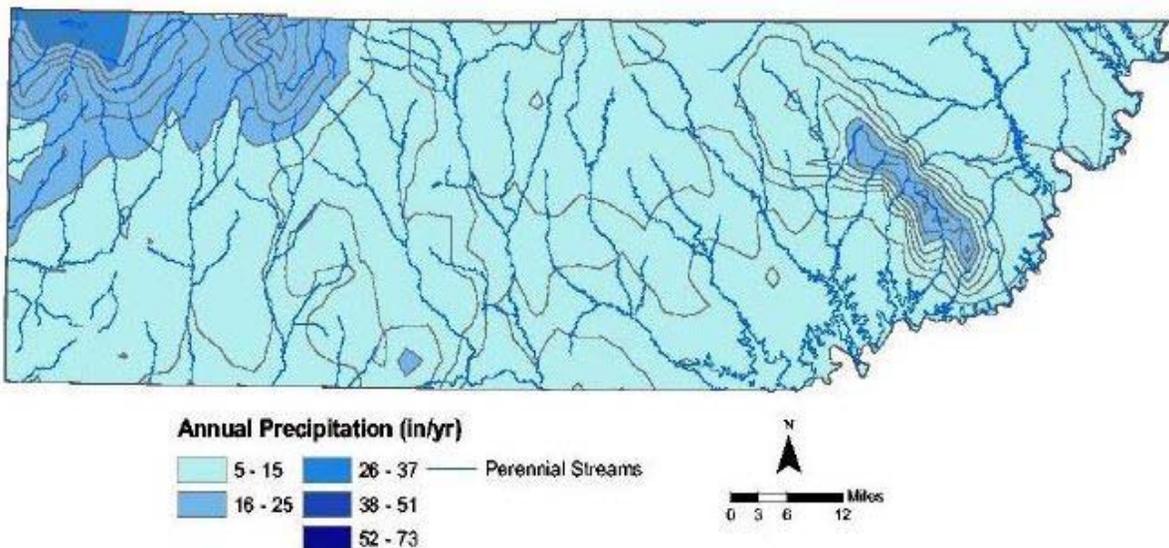
The Fifty Mile Mountain area is typified by shallow to moderately deep soils (10 to 40 inches deep) over the John Henry member of the Straight Cliffs Formation. Soil development consists dominantly of a horizon of clay accumulation or little to no subsurface soil horizon development. Typical landforms consist of structural benches with highly dissected sideslope canyons. Important vegetation for this area includes Indian ricegrass, galleta, rock goldenrod, Bigelow sagebrush, green Mormon-tea, pinion and Utah juniper.

The Kodachrome basin and Skutumpah Road area is typified by diverse soil properties that are found on the Carmel Formation and quaternary alluvial deposits. Landforms consist of dissected sideslopes and alluvial fans and flats. Important vegetation for this area includes Indian ricegrass, galleta, big sagebrush, bitterbrush, pinion and Utah juniper.

The Paria-Hackberry WSA area consists dominantly of Navajo Sandstone geology with varying depths (20 to >60 inches deep) of sand. Landforms consist of vegetated dunes and outcroppings of sandstone. Important vegetation for this area includes sand dropseed, Indian ricegrass, blue grama, green Mormon-tea, pinion and Utah juniper.

Soils and soil condition affect the degree of water infiltration. This in turn affects basin storage and availability for a range of resource uses. When management activities result in compaction of soils, runoff from precipitation is accelerated and less water is stored in the soil. These results in higher erosion rates and less available water for plants, animals, and ground water recharge.

## Kane County, Utah Precipitation



Source: Kane County, Utah Resource Assessment August 2005

#### **4. Riparian Areas**

Riparian is simply defined as vegetation and habitats that are dependent upon or associated with the presence of water. Riparian areas comprise the transition zone between permanently saturated soils and upland areas. These areas exhibit vegetation or physical characteristics reflective of permanent surface or subsurface water. Excluded are such sites as ephemeral streams or washes that do not support vegetation dependent upon free and unbound water in the rooting zone of the soil. Examples of riparian areas would include lands along perennially and intermittently flowing rivers and streams and the shores of lakes and reservoirs with stable water levels. Wetlands are represented by marshes and wet meadows. Riparian areas, though they total less than 1 percent of the total lands in the county, are some of the most productive, ecologically valuable, and utilized resources.

Riparian ecosystems in the western states are some of the rarest and most significant in the Western Hemisphere. They are also some of the most affected by the activities of man. As a consequence of western expansion and growth, an estimated 95 percent of riparian habitats have been altered or greatly impacted by such activities as water diversion, channelization, livestock use, clearing, impoundments, and invasion by non-native vegetation. Riparian areas also exhibit a high degree of resiliency when changes in management occur. A large number of plant and animal species depend on riparian areas. In the physiographic region covered by the county, up to 80 percent of vertebrates use riparian habitats at some stage in their life. Over 50 percent of the nesting bird species in this region use riparian habitats as the primary habitat for breeding purposes. This species richness is made possible by the plant diversity, availability of water, prey species, and the proximity to upland communities with their separate flora and faunal diversity.

A base flow of water is mandatory for the health and functioning of riparian areas. Factors which interfere with these processes include water diversions, ground water pumping, and changes in vegetation type and cover. Human activities can also result in degraded water quality and levels of seasonal flow. Resulting changes may be seen in the type and structure of vegetation communities, increased water temperatures, unsatisfactory physical functioning of hydrologic processes, aesthetics, and wildlife habitat.

As the density of woodlands increases there is a complementary decrease in the amount of grasses and shrubs present. This in turn decreases the rate and amount of water infiltration following precipitation since runoff rates are accelerated.

Availability and location of water is a key component to proper livestock management. The access to reliable water largely determines the timing and intensity of livestock use in an area. By controlling the availability and access to water, resource managers are better able to manage the rangeland resources. Wildlife is also depending upon developed livestock water sources.

## 5. Vegetation

The county is located on the Western edge of the Colorado Plateau just to the east of the Great Basin region. Steep canyons, limited water, seasonal flood events, unique and isolated geologic substrates, and large fluctuations in climatic conditions have all influenced the composition, structure, and diversity of vegetation associations of this region. These same factors have also made access into these areas difficult, leaving much undiscovered.

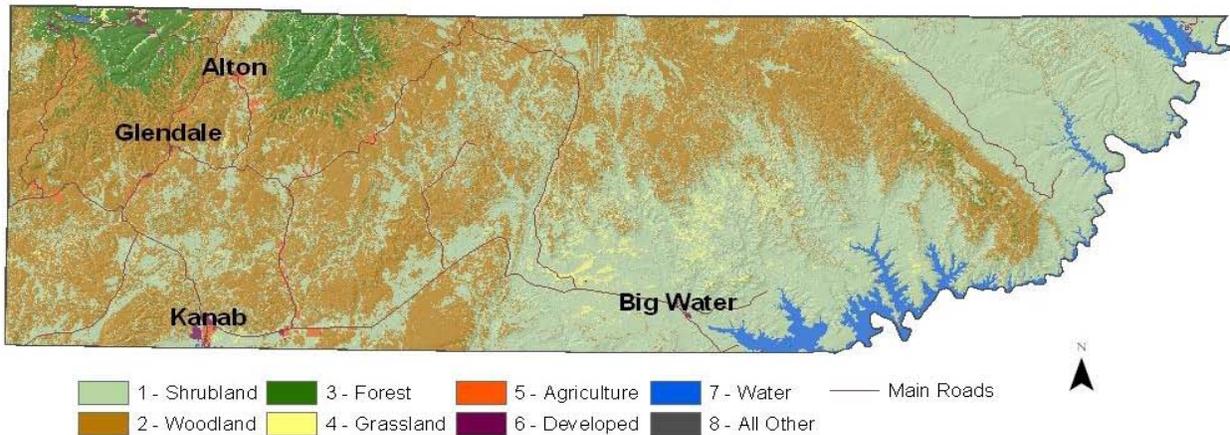
Many systems for classifying vegetation have been produced for this area of the country. Few of these systems have been checked for accuracy as they relate to the county. Coarse scale vegetation mapping exists through the Utah GAP program, but again this information has not been field checked as it relates to the county. Levels of precipitation (elevation), geology, and soil type are the primary factors influencing the distribution of vegetation associations in the area. Some areas don't fit into these vegetation categories. These included: areas traditionally low in diversity (barren areas), treated areas (seedings, chaining), flooded areas, lava flows, and rock outcrops.

Relict plant communities refer to areas that have persisted despite the pronounced warming and drying of the interior west over the last few thousand years and/or have not been influenced by settlement and post-settlement activities, chiefly domestic stock grazing. This isolation, over time and/or from disturbance, have created unique areas that can be used as baseline for gauging impacts occurring elsewhere in the county. Little if any information has been collected on the composition and structure of the vegetation associations or other physical and biological components. The same factors that have created and protected these areas over time have also contributed to preventing study of these unique and potentially informative associations.

The geologic and geographic conditions for the presence of hanging gardens exist in the county. Inventory work was conducted in conjunction with the Kaiparowits Study (1971-1974) which determined the location and species composition of several hanging gardens. The potential for more hanging gardens is also high. Due to the conditions of isolation produced in hanging gardens there is a potential for unique species in these areas.

Mosses, liverworts and lichens are vegetative life forms that have historically been overlooked due to their inconspicuous nature. This large group of organisms has been studied to some degree in other areas of Southern Utah, but little information about these organisms exists for the county. Besides the individual study of these organisms there is another association to which they belong. This association, referred to as microbiotic, cryptogamic or crypto biotic crusts, has been found to perform a vital function in dry land ecosystems for infiltration, stabilization, nutrient cycling and seedling establishment. These crusts are also very sensitive to ground disturbance, and specifically compression. Although information on the effects of activities on microbiotic crust exists, this information is based on a limited amount of research. Much study is needed on the role of these organisms on in the ecosystem.

## Kane County, Utah Land Cover



Source: Kane County, Utah Resource Assessment August 2005

### 6. Wildlife

The county provides habitat for nearly 400 species of vertebrates and an un-quantified number of species of invertebrates. Some animals are migratory through the county and others are year around residents, and still others use the county as seasonal habitat.

Many species of birds use the county as breeding and nesting areas and populations of elk move onto the county for winter use. Mule deer and Big Horn sheep are year-long residents. The main riparian systems allow fish to move in and out of the county depending on water flows and seasons. These water systems are the main habitat for most of the identified species of birds.

There are several species of wildlife listed as threatened or endangered found within the county. Some are listed under the Federal Endangered Species Act and some are identified under the Utah Sensitive Species List. Those species listed as federally protected are listed on the following page.

Habitat manipulation has been a customary practice for improving the vegetation for wildlife for many years and should continue until the desired vegetation mix is achieved. Water in this desert environment is essential to maintain the wide variety of wildlife species in the county. This includes the riparian systems of the Kanab Creek and Paria rivers for fish, amphibians and other associated wildlife species that depend on minimum stream flows. Wildlife populations have grown to depend upon water catchment devices constructed over the years.

| <b>AT-RISK SPECIES</b>                 |                                    |                |                        |                          |
|----------------------------------------|------------------------------------|----------------|------------------------|--------------------------|
|                                        | <b>Common Name</b>                 | <b>Group</b>   | <b>Primary Habitat</b> | <b>Secondary Habitat</b> |
| <b>FEDERALLY-LISTED</b>                |                                    |                |                        |                          |
| <b>Endangered:</b>                     | California Condor (experimental)   | Bird           | Cliff                  |                          |
|                                        | Kanab Ambersnail                   | Mollusk        | Water - Lentic         | Wetland                  |
|                                        | Bonytail                           | Fish           | Water - Lotic          |                          |
|                                        | Colorado Pikeminnow                | Fish           | Water - Lotic          |                          |
|                                        | Humpback Chub                      | Fish           | Water - Lotic          |                          |
|                                        | Razorback Sucker                   | Fish           | Water - Lotic          |                          |
|                                        | Southwestern Willow Flycatcher     | Bird           | Lowland Riparian       | Mountain Riparian        |
| <b>Threatened:</b>                     | Mexican Spotted Owl                | Bird           | Cliff                  | Lowland Riparian         |
|                                        | Bald Eagle                         | Bird           | Lowland Riparian       | Agriculture              |
|                                        | Utah Prairie-dog                   | Mammal         | Grassland              | Agriculture              |
| <b>Candidate:</b>                      | Coral Pink Sand Dunes Tiger Beetle | Insect         |                        |                          |
|                                        | Yellow-billed Cuckoo               | Bird           | Lowland Riparian       | Agriculture              |
| <b>Proposed:</b>                       | (None)                             |                |                        |                          |
| <b>STATE SENSITIVE</b>                 |                                    |                |                        |                          |
| <b>Conservation Agreement Species:</b> | Northern Goshawk                   | Bird           | Mixed Conifer          | Aspen                    |
|                                        | Bonneville Cutthroat Trout         | Fish           | Water - Lotic          | Mountain Riparian        |
|                                        | Bluehead Sucker                    | Fish           | Water - Lotic          | Mountain Riparian        |
|                                        | Roundtail Chub                     | Fish           | Water - Lotic          |                          |
|                                        | Flannelmouth Sucker                | Fish           | Water - Lotic          |                          |
| <b>Species of Concern:</b>             | Allen's Big-eared Bat              | Mammal         | Lowland Riparian       | Pinyon-Juniper           |
|                                        | American White Pelican             | Bird           | Water - Lentic         | Wetland                  |
|                                        | Arizona Toad                       | Amphibian      | Lowland Riparian       | Wetland                  |
|                                        | Big Free-tailed Bat                | Mammal         | Lowland Riparian       | Cliff                    |
|                                        | Burrowing Owl                      | Bird           | High Desert Scrub      | Grassland                |
|                                        | Common Chuckwalla                  | Reptile        | High Desert Scrub      | Low Desert Scrub         |
|                                        | Desert Night Lizard                | Reptile        | Low Desert Scrub       | Pinyon-Juniper           |
|                                        | Desert Sucker                      | Fish           | Water - Lotic          |                          |
|                                        | Ferruginous Hawk                   | Bird           | Pinyon-Juniper         | Shrubsteppe              |
|                                        | Fringed Myotis                     | Mammal         | Northern Oak           | Pinyon-Juniper           |
|                                        | Greater Sage-grouse                | Bird           | Shrubsteppe            |                          |
|                                        | Kit Fox                            | Mammal         | High Desert Scrub      |                          |
|                                        | Lewis's Woodpecker                 | Bird           | Ponderosa Pine         | Lowland Riparian         |
|                                        | Long-billed Curlew                 | Bird           | Grassland              | Agriculture              |
|                                        | Spotted Bat                        | Mammal         | Low Desert Scrub       | Cliff                    |
|                                        | Three-toed Woodpecker              | Bird           | Sub-Alpine Conifer     | Lodgepole Pine           |
| Townsend's Big-eared Bat               | Mammal                             | Pinyon-Juniper | Mountain Shrub         |                          |
| Western Toad                           | Amphibian                          | Wetland        | Mountain Riparian      |                          |

\*Definitions of habitat categories can be found in the Utah Comprehensive Wildlife Conservation Strategy.

(Kane County Resource Assessment, Utah Association of Conservation Districts, August 2005)

## **B. Historical Background**

Native Americans inhabited present day 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 time 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 settlement was scarce. European explorers and settlers found mainly nomadic Southern Paiutes inhabiting the area during the late 18th and early 19th centuries.

The barrier created by the Grand Canyon and Colorado River kept early Spanish explorers from reaching present day Kane County for hundreds of years. The Escalante/Dominguez party was the first European group to enter the region. After exploring much 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 Hildago.

The first European settlement of 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 had arrived in the Great Basin in 1847 after having been driven from their homes in Illinois and Missouri. They established many small agrarian villages throughout the Great Basin 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 area in the early 1860's. The Long Valley area north of the desert was the first area to be settled permanently. Small settlements were established in the mid-1860's at Glendale and Alton. Indian hostilities forced these early settlers to leave.

Mormon settlers returning from the Nevada area re-established the communities in Long Valley and established Kanab in 1870. These settlers farmed the bottom lands near streams and grazed livestock on the high plateaus in the summer and desert highlands in the winter. The small towns prospered during the 1870's. Residents established orchards, field crops, and livestock grazing operations. Unfortunately, a drought from 1879-1882 caused a severe shortage in irrigation water, resulting in great hardships to the settlers. The drought was followed by three years of floods which deepened the channel of Kanab Creek almost 60 feet. Most of the farm land was washed away.

Most of the early settlers were experienced desert colonizers and 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.

The economy of the area remained based upon livestock grazing into the 1930's. The establishment of Grand Canyon National Park and the Kaibab Game Reserve began a demand for tourist services. The first economic "boom" occurred during the 1930's-1950's as the area became a famous location for shooting western films and television episodes. Over 50 feature length westerns have been filmed in Kane County.

The canyon country of eastern Kane County remained a sparsely settled area until the construction of Glen Canyon Dam on the Colorado River in the late 1950's. The resulting reservoir, Lake Powell, created the impetus for the establishment of Page, Arizona, Big Water, Utah and Bullfrog Marina in northeastern Kane County. Lake Powell is a world class attraction which draws millions of visitors each year. Most travel through Kane County to reach the Lake.

The small timber harvesting operations which supplied building materials to local residents expanded in the 1940's and began to provide timber to larger markets. The Kaibab Forest Products sawmill in Fredonia, Arizona became a major year round employer. Concerns with wildlife habitat and other environmental issues, combined with economic downturns have caused a major reduction in timber harvests from the nearby plateaus.

Presently, Kane County is experiencing moderate growth by attracting additional trade and service sector activity to support growing tourist activity. In addition, more and more people are coming to Kane County for retirement living.



**Kane County, Utah was named for Thomas L. Kane – “Friend of the Mormons”**

## Section Five

### Statement on Desired Future Management Setting

*Federal and State land management planning processes will include Kane County as an active, on-going partner and will be coordinated to be consistent with county goals and policies. The County will insist that the uses of State Institutional Trust Lands conform to county land policies and regulations.*

There is a recognition that living in close proximity to a variety of lands held in the public trust has myriad benefits to those who visit or live in Kane County. Outdoor recreation opportunities ranging from water sports to hiking and exploring; from horseback riding to traveling the many roads and trails available to all terrain vehicles/off-highway vehicles (ATV/OHV) and four-wheel drive vehicles, and from photography to hunting and many others, is the hallmark of this region.

In addition, Federal and State lands provide opportunities for commerce and sustainability such as community watersheds, livestock grazing, logging, firewood gathering, mining and minerals exploration and development, and services that support tourism and visitor use.

Formal and informal relationships between county state, and federal partners, based on mutual respect and understanding, will ultimately result in more cohesive and successful efforts to achieve common interests and objectives.

Convenient access to nascent and nearby public lands in the 21st century is of vital importance in maintaining and growing sustainable communities and economies in the county. Each of these land uses presents different challenges and opportunities to residents and county officials.

It is the responsibility of the Kane County Commission to facilitate a land use pattern which allows private unincorporated land owners to make and attain reasonable use of their lands within the constraints presented by the land itself, as well as traditional uses, customs, culture and available public services

Federal land managers have recognized that to be most effective, federal lands planning must include state and local governments as full partners in the public lands planning process. Congressional policy requires that federal planners consult with state and local governments, and that federal plans are consistent with plans of adjacent jurisdictions within the constraints of federal law. The Kane County Commission intends to remain a proactive partner in all public lands planning processes that has the potential to negatively impact the county's land base, culture and economy. All attempts to lock down public lands and prohibit access to these lands will be resisted by Kane County by educating all publics and partnering with entities that share our vision and values.

***Given these basic premises, the Kane County Commission will be an active partner with other governments to foster a sustainable, broad-based economy which allows traditional economic uses to remain vibrant, while fostering new economic activities with the potential to expand economic opportunity and protect important scenic, cultural and social qualities. Federal land management planning processes will include Kane County as an active, on-going partner, consistent with federal mandates involving coordination and will be consistent with county goals and policies where not unreasonably constrained by federal rules or law.***

## Section Six

# Planning Guidelines and Policy Statements

The policy statements contained herein are an outgrowth of planning efforts by Kane County in planning for both public and private lands in the county and the basic responsibility of the commission to care for the welfare of all the residents of the county.

### ACCESS/TRANSPORTATION

Transportation is critically important to Kane County. The county believes **that proper access to public lands is essential, and is an inherent right of every citizen.** It is the county's position that no access should be closed except in situations of duplication, danger to the public, or serious threat to the resource, and then only with input and consultation with the county. The county further believes that no closure should occur on any of its RS2477 rights-of-way assertions without express consent of the county commission.

The county supports general public access through private lands as historically provided and allowed. The county will continue to work with individual land owners as necessary to maintain these traditional thoroughfares while also protecting private rights. It is vitally important that all existing public rights-of-way, including both RS2477 as well as proscriptive rights across private lands, be maintained.

### CUSTOMS AND CULTURE

Residents of Kane County highly value the quality of life the customs and culture of the county provide. Many residents have traditionally earned their livelihoods from activities associated with the county's customs and culture. While the economy of the county is not as dependent on the legacy activities of agriculture as it once was, many residents continue to rely on these or similar activities either as a primary or a secondary income resource. The livestock industry has suffered significantly by the reduction of grazing permits over the last number of years. County residents greatly prize the outdoor recreation opportunities detailed in the previous section. These activities are a way of life in the county, having sprung up from a traditional western lifestyle heavily dependent on the land as a natural resource to provide sustenance and enjoyment. At its core, the county is a place where its residents enjoy a rural environment and closeness to nature. These activities have been kept alive and grown as they are passed from generation to generation. Parents, children, and grandchildren enjoy the outdoors together as a family unit. Access to public lands in the county for multiple uses is a prized privilege, even a right inherent in residency that is the foundation of a lifestyle style that has kept families here for generations. In recent years, and into the future, it is the main attraction for new residents seeking a rural, family centered way of life.

The county's quality of life and economy is, and will continue to be, dependent upon these activities. Since the county is directly dependent upon all its natural resources, management decisions affecting public land directly impacts and potentially changes the county's customs and

culture. Therefore, a critical tie exists between the use of private, federal, and state natural resources and the continuance of the way of life in Kane County. It is imperative that the county, stakeholders, and informed representatives review natural resource issues as they occur, to assure public land management decisions do not negatively impact the county's customs and culture.

**Kane County must oppose any change in land use that does not evaluate, mitigate, and minimize impacts to customs and culture and the economic future of the county.** Federal and state agencies should always consider the social, cultural, and economic needs of the county when developing plans and making recommendations that affect the customs and culture of the county. The county recommends federal and state agencies enhance opportunities for responsible use of public lands which benefit the customs and culture and economic base of the county. Federal and state agencies should always notify the county of any actions or regulations which may impact the customs and culture of the county.

### **FEDERAL AND STATE RESOURCE MANAGEMENT PLANNING**

It is Kane County's policy to **partner with public land management agencies in the planning and management process.** The county's participation and responsibilities will be guaranteed by, and contingent upon, a formal cooperative agreement. Any formal county cooperative agreement shall be contingent upon the county's involvement at the earliest stage of the proposed process. The county would like to see increased coordination among the county, the Bureau of Land Management, U.S. Forest Service, Utah Department of Natural Resources, and other land management agencies. It is the county's belief that all land use decisions must be based on sound principles of consensus building, and consideration of local interests. The county's objectives in this regard are further discussed in the goals and objectives section of this plan.

The position of Kane County is that **weight given to public comment and opinion should be directly proportional to the geographic and economic impact of the decision.** The county policy is to provide clear and timely comments, and encourage its residents to do the same.

It is the preference of Kane County that **managing agencies coordinate with the county at the earliest possible time on all planning.** The county has limited personnel to dedicate to public land planning. Nevertheless the county will make every effort to participate in such efforts to achieve consistency in planning documents. Kane County will ask all federal land managers to consider the adoption of land use standards which conform to county standards, and which comply with federal law.

Glen Canyon National Recreation Area differs from National Park unit management. The NRA is to foster recreation use. This implies the need to allow access into NRA lands.

It is the policy of Kane County that federal and state land management agencies:

1. Establish effective government-to-government relationships with Kane County

2. Identify a county relations liaison to serve as the first point of contact with the county commission and also the person who will generally initiate agency contact with the county.
3. Implement federal land management programs and activities consistent with, and respecting the county's rights and fulfilling the federal government's legally mandated coordination responsibility with the county.
4. Manage federal lands and resources in coordination with the county
5. Work to reduce or remove legal or administrative program impediments that inhibit the agency's and the county's capacity to work directly and effectively with each other.
6. Consult with the county on matters that may affect the public's rights and interests.
7. Promptly notify the county at the earliest opportunity of proposed policy, plans, projects or actions that may affect the public's rights or interests in order to provide the county an opportunity for meaningful dialogue on potential implications and effects.
8. Develop, in consultation and collaboration with the county, agreements and statements of relationships that help clarify the county's rights and interests, and set forth procedures and protocols for consultation, including the points of contact. Involve designated county representatives, including staff, in the development of proposed policies, plans, projects, or actions, where appropriate.
9. Involve the county early in the planning process, and in the preparation of in-depth socio-economic information.
10. Fully consider recommendations by the county to address county concerns on proposed decisions.
11. Inform the county as to how its information and recommendations were considered in public land management decisions, including explanations particularly in the event that county input was not adopted or incorporated.
12. Document the process and actions taken to consult with the county, the results of those actions, and how the public land manager's final decision was communicated to the county. This consultation review and monitoring process shall involve the county officials and representatives.
13. Conduct annual planning meetings for specific projects that include participation by livestock permittees, affected adjacent land owners, and other multiple use interests in affected areas, as well as county representatives.

## **GRAZING MANAGEMENT**

**Livestock grazing on federal and state lands in the county shall continue, at levels consistent with the custom and culture, and proper stewardship of the resource.** The continued viability of livestock operations within the county by management of land and forage resources, by proper optimization of animal unit months for livestock in forage resources, in accordance with supportable science and the multiple use provisions of federal and state law.

Federal land management agencies will not adjust animal unit months (AUMs) on public lands, without scientifically based justification and full consultation between the permittee and the administering agency. Federal management agencies will not permit the relinquishment, transfer,

or retirement of livestock grazing AUMs in favor of conservation, wildlife, or other uses besides livestock grazing.

Federal and state land managers will promote public respect for private structures, corrals, fences, water development, etc., on federal land in an effort to reduce vandalism, educate land users, and promote multiple-use concepts.

**AUMs should not be placed in a suspended use category unless there is a rational and scientific termination that the condition of the rangeland allotment or district in question will not sustain the animal unit months proposed to be placed in suspended use.** Any grazing AUMs that are placed in a suspended use category must be returned to active use when range conditions improve. State-of-the-art monitoring data should be the basis for grazing management decisions on BLM and Forest Service grazing allotments.

## LAND ACQUISITION

Kane County supports efforts to sell, exchange, or consolidate state and federal lands within the county if doing so improves manageability of these lands, benefits county residents, supports the county economic base, or addresses the problem of checkerboard ownership. Specifically, the county will work to identify and consolidate areas and resources that promote economic growth, allow additional or improved resource development, protect watershed, reduce access problems, and/or improve management. The county, through the county commission, will actively participate in all exchange or consolidation discussions.

If it will benefit the county economically, the commission may look favorably upon the exchange of state trust lands to other areas of the state where it might be beneficial both to the county and to the trust land administration in terms of economic benefit to make such land exchanges.

The county supports any increase in private land holdings in **the county, and cannot support any net loss of private land for any purposes.** The county believes that it is appropriate to transfer from federal ownership, through sale or exchange, certain lands to private ownership if such a transaction will benefit the county's economic base. If private to public land transactions occur, the county will work with the public land managers to assure that an equivalent acreage and value of public lands are made available for transfer to private ownership.

Federal land management agencies need to continue **to make suitable lands available for disposal under the Recreation and Public Purposes Act (R&PP) or Special Use Authorizations, and follow the requirements of the land use plan approved by Congress for the disposal of certain BLM lands in the county.** Some additional criteria for land disposal shall include the following:

1. Federal lands shall be available for disposal when such disposal meets the important public objective of community expansion or economic development, or when the disposal would serve the public interest.
2. The design and disposal of all federal land disposals, including land adjustments and exchanges, shall be carried out to the benefit of the citizens of the county in an expeditious manner.
3. There shall be no net loss of private lands in the county. Federal land management agencies shall not acquire any private land or access rights in private lands in the county without first ensuring that, at a minimum, parity in land ownership is maintained, and private property interests are protected and enhanced.
4. Federally managed lands that are difficult to manage or which lie in isolated tracts shall be identified for disposal, where otherwise found suitable for non-federal use and development.
5. The county shall be notified of, consulted with, and otherwise involved in all federal and state land adjustments in the county. County concurrence shall be required prior to such adjustments.
6. All existing utility corridors must be maintained and used to support additional capability for electric transmission and flow of oil and gas throughout the state and region. New Corridors may need to be designated in areas where renewable energy projects or communications technology developments come on line. Such corridors are critical in supporting state and national security and economic objectives.

## **LAW ENFORCEMENT**

Kane County and the State of Utah have primary jurisdiction for law enforcement throughout the county. **All federal law enforcement activities will be fully coordinated through the county with the county sheriff's office.** The elected County Sheriff is the chief law enforcement officer in Kane County, holding all law enforcement responsibilities laid out in the United States Constitution and Title 17 of the Utah State Code. The elected County Sheriff has the authority to deputize police officers and/or citizens of the county as he or she deems necessary.

The county will maximize the use of a cooperative law enforcement program, to improve protection of persons and their property when visiting federal and state lands, and to utilize the opportunity to cooperate with land management agencies in carrying out their specific responsibilities related to the land management.

It is the county policy to provide protection to the public and their property through cooperation with other law enforcement agencies. Any law enforcement agency operating within the jurisdiction of the Kane County Sheriff shall coordinate with the sheriff prior to undertaking law enforcement operations. Law enforcement officers shall operate under the limitations set forth by the Utah State Legislature and enabling legislation of their respective agency as set forth by the Congress of the United States.

Federal agencies shall maintain Proprietary Jurisdiction throughout federally managed lands within Kane County, and shall coordinate with the elected county sheriff concerning criminal

matters. Federal and state land management agencies will make available sites for strategic location of communication towers to aid in law enforcement activities.

## **MINERALS**

As part of any planning effort on the public land, a county-wide review of all potential sand and/or gravel sites should be identified in order to be able to project the ability of the county to secure these sites for use in the future growth and development.

**Federal and state agencies shall analyze and consider all fiscal and economic impacts to the minerals industry, the county, and other local governments, and to the residents of the county from any proposed land management changes or natural-resource related plans.** Planning shall consider up-to-date mineral potential reports.

## **MULTIPLE USE/SUSTAINED YIELD**

Kane County supports **multiple uses, sustained yield management** of federal and state lands, and will work with the various management agencies to maintain appropriate balance among all users and uses. Maintaining multiple use management practices on federal state lands is a high county priority. Maintaining **adequate public access** to federal and state lands and accompanying natural resources is also a county priority.

The county acknowledges that the terms multiple-use and sustained yield may be interpreted many different ways. For purposes of this plan, the county defines sustained yield as the management of resources in a manner that will support a consistent level of use on a year-to-year basis.

The county defines multiple-use as the consumptive and non-consumptive uses historically and traditionally allowed to occur on federal and state lands within the county. These uses include, but are not limited to, the following: hunting, fishing, livestock grazing, mining and mineral exploration and extraction, recreation, wildlife habitat management, telecommunications, water resource use, protection and development of timber/woodland products, utility corridors, and county transportation and circulation roads and corridors.

The county asserts that the above uses, as well as many others, are compatible in most management situations, and that true multiple use management creates opportunities for the land to be used for many purposes simultaneously. The county does not define multiple uses of federal and state resources, and will support and participate in efforts to identify appropriate uses and locations for those uses.

## **RECREATION**

Activities which traditionally define recreation and tourism in Kane County include, but are not limited to big game hunting, trapping, fishing, off-highway vehicle use, mountain biking, hiking, camping, boating, etc. A majority of these activities occur on public lands. Visitors to these areas

directly impact the county by drawing on county-provided infrastructure such as, law enforcement, emergency-medical, search and rescue, waste disposal services, and general commercial services. Many of the store owners, restaurants, hotels and motels, and many more interests depend on recreation and tourism for their livelihoods. Much of the recreational activity in the county is found in the unincorporated area of the county, outside of the organized recreation facilities found in many of the cities and towns. This recreation, mostly found through using the public lands, is a tremendous economic asset to the county. It is the county's position that **federal and state land managers should do everything possible to enhance recreational opportunities on public lands and that such management should be compatible with the principles of multiple use, and sustained yield.** Any management decisions which restrict recreational activities or access to recreation area must be done in consultation with the county and must be based on best scientific information.

### SOCIOECONOMIC CONSIDERATIONS

It is the position of Kane County **to support only those public land plans and decisions that result in a sustainable net benefit to the county's local economy.** The county's cooperative agreement should include provisions for a quantitative estimate of the economic effects of all proposed management decisions. These estimates should be generated in consultation with the county. Further, it is the policy of the county that **all decisions regarding land use management must take into account the history, culture, and customs of the county** as defined by the activities and values that residents of the county, in the past, present, and future, depend upon for well being and subsistence. Customs and culture are defined as the activities and decisions that make the county what it is and has historically been, and the county will oppose activities and plans that will adversely impact the customs and culture of Kane County.

Kane County supports efforts to maintain or improve the overall economic base through the judicious use and enjoyment of federal and state lands in the county. The county policy is that economic diversity and long-term stability are beneficial to the welfare of county residents. Any proposed change in land use must evaluate, mitigate, and minimize impacts to customs and culture and the economic stability of the county. The prioritizing of any one multiple use should only occur after the impacts to other multiple uses are fully quantified and mitigated. **Any proposal to close federal lands to a particular use must be reviewed with the county after public hearings and meetings with county officials.**

### SPECIAL LAND DESIGNATIONS

Kane County is **opposed to additional land being designated as wilderness**, over and above original BLM and Forest Service recommendations.

More than 1.2 million acres of Kane County (49%) has been designated as Grand Staircase Escalante National Monument. Another 930,000 acres (35%) of Kane County is located in National Park units. When National Forest, Bureau of Land Management, and Bureau of Reclamation lands are added, more than 87 percent of the land base in Kane County is federally

controlled. Designation of more than 30 Wilderness Study Areas, Areas of Critical Environmental Concern, Critical Habitat, and other special designations erases multiple use/sustained yield management from much of the federal land base in Kane County.

Kane County, while not in support of many areas of this type, will work closely with public land managers in developing plans that meet the requirements of public lands management acts and statutes, and also consistent with the Kane County General and Resource Management Plans. The only way to make this successful is for close cooperation between the county and the public land managers. The county looks forward to this type of cooperation.

Kane County is aware of proposals by different interest groups to implement additional special land designations in order to achieve their specific land-use goals. The county is concerned that many of these proposals do not consider the economic impacts to the county, communities, and agencies which special use designations impact. In addition, the wilderness area designation proposals made by wilderness groups have not included input from local government, communities, nor residents of the county. These proposals have had no public process outside the members of the particular groups involved. The county and its residents should have had an equal voice in determining the validity of such proposals.

All special designations should be made to compliment, rather than conflict with the concept of multiple uses of public lands. These areas should also be in harmony with the customs and culture that have been identified in the county. More attention must be made as to how the designations can be made to harmonize with all other aspects of county planning.

The same concerns that exist in the county relative to the management of BLM lands should apply equally to forest lands in the county. The county appreciates the relationship that it has had as a cooperating agency with the update of the forest lands plan in the county. That same, or even greater, coordination should exist with the BLM in the amending, or updating, of BLM management plans.

## VEGETATION

Kane County supports efforts to conduct plant surveys to validate existing data and add new plant inventory data. **Recovery planning efforts for sensitive, threatened, and endangered plant species shall evaluate, mitigate, and support the county's customs and culture and economic viability.** The county supports locally driven efforts to identify desired plant communities that do not compromise the customs and culture and economy of the county.

**Kane County opposes designation of critical habitat in the county when the species is not native to or does not exist in the proposed critical habitat area.** Threatened and endangered species **should not be introduced into locations where such species are not present.**

Federal and state land management agencies shall participate in cooperative efforts with federal, state, county and private land managers to enhance cooperative weed management in the county. Early detection and control of noxious weed and insect infestations are essential to the public

health, welfare and economy of the citizens of the county. Neither the county, nor the public land managers can be successful in controlling noxious weeds without joint cooperation. It is also important to the county that the public land managers control pests on the public lands in order to protect the forest land and other areas where pests become a problem. Mosquito control on federal and state lands in the county should be permitted in order to reduce the risk of transmission of West Nile Virus and other diseases that pose a threat to the health of humans, livestock and wildlife.

**The private use of timber products from federal and state lands in the county for posts, poles, wood cutting to provide fuel for those in the county needing fuel for winter heating, and Christmas trees, etc., shall be continued as an allowable use.** A sustainable wood products industry on federal and state lands in the county is an important aspect of economic diversity. Fire, timber harvesting, and treatment programs are to be managed in a way to promote the forest health, reduce disease and insect infestation, and prevent waste of forest products while providing opportunities for local residents or small business.

Decisions and conclusions for forestry management should be consistent with the following:

1. Avoid management scenarios that result in a static forest condition
2. Do not restrict management actions to a particular size or age of wood material
3. Concentrate activities on current condition as compared with desired condition
4. Develop an aggressive time table for management implementation
5. Use a systematic diagnostic approach to anticipate forest health programs.
6. Work with and not against nature
7. Accurately account for forest health costs and use a long term risk analysis
8. Prepare the forest for inevitable periods of drought and encourage research into climate/forest health relationship and aforementioned forest management scenarios.

## **VISUAL RESOURCE MANAGEMENT**

Kane County recognizes that different levels of scenic values on federal lands in the county require different levels of management. While management of an area with high scenic value might be focused on preserving the existing character of the landscape, management of an area with little scenic value might allow for major modifications to the landscape. Federal land management agencies shall conduct assessments of visual impacts in determining how an area should be managed, with the goal of protecting the visual resource while not burdening authorized land uses and maintaining economic stability.

It is Kane County's policy in considering visual resource management objectives, **federal and state land management agencies shall recognize the importance of communication sites, electric transmission lines, and transportation corridors to the security, health and welfare of the county's residents.**

## WATER RESOURCES

Water is the life blood of Kane County. Water quality and availability has historically determined the level, type, and location of existing growth. This pattern would continue into the future except for the fact that new distribution systems have made water more available throughout the county. The county encourages and supports the efficient management and use of its water resources. The county also supports the development, adoption, and implementation of water collection, storage, and distribution, as well as the development of conservation plans by municipalities, the water conservancy district, and private water companies. The county also encourages continued cooperation among all water managers and users as water management decisions are made.

Kane County will be involved with state and federal managers in the development of all plans for monitoring of air and water quality. Findings must be coordinated with the county. The county supports management practices that protect vital watersheds. The county also supports management policies and practices which allow for the future expansion and development of water distribution and storage facilities. The future of the county is completely dependent on available water. The county not only needs a county-wide distribution system to assist any part of the county in time of need, but a redundant supply to avoid simply running out of water at some future date. **Any plan or practice whose aim or goal is to thwart the county's ability to access and develop water resources is strongly opposed.**

## WILD LAND FIRE

Fire management strategies shall consider fire fighter and public safety and protect human life, property and communities. **There shall be a high level of cooperation between agencies and fire fighter organizations in the county.** Federal agencies will incorporate local fire department plans and policies into fire suppression and control plans.

## WILDLIFE MANAGEMENT

Wildlife management issues on public lands have the potential to impact the county in the most substantial manner. Wildlife management can not only impact public land use and access, but can also affect land uses, often leading to restrictions and even takings. Recreational factors, such a hunting and fishing, are a vital part of the county's economic base. Recovery efforts for sensitive, threatened and endangered species must evaluate, mitigate, and support the county's customs and culture and economic viability. Wildlife management efforts shall reduce predation of sensitive species, increase hunting and fishing opportunities within appropriate carrying capacities, decrease game damage conflicts, and generally balance wildlife numbers with other factions, representing the customs and culture and multiple use values of the county.

The county supports responsible wildlife habitat preservation, development, and management. However, **Kane County opposes designation of critical habitat in the county when the species is not native to or does not exist in the proposed critical habitat area.** Threatened and

endangered species **should not be introduced into locations where such species are not present.**

The county policy is that **federal agencies shall fully quantify and cause mitigation measures to be adopted that would effectively mitigate impact to the county wildlife populations** in carrying out animal damage management activities. Public land managers shall:

1. Allow currently recognized methods of predator control, including aerial gunning of predators, as viable options for predator control on public lands in the county.
2. Conduct non-predator animal damage management such as controlling small mammal populations, and necessary environmental analysis and disclosure on public lands.
3. Coordinate with other federal and state agencies to improve effectiveness of control program activities conducted on federal and state lands.
4. Use an integrated approach to the prevention of animal damage and management of animal damage control programs. Consider a full range of methods, including physical barriers, repellents, habitat manipulation, biological controls, improvement of soil fertility, pesticides, and hunting and trapping. Use licensed hunting, fishing, and trapping as a control technique where practicable.
5. Evaluate the effect of agency actions on trends in hunting participation and, where appropriate to address declining trends, implement actions that expand and enhance hunting opportunities for the public.
6. Consider the economy and recreational values of hunting in agency actions.
7. Manage wildlife habitats on public lands in a manner that expands and enhances hunting opportunities, including through the use of hunting in wildlife management planning, and
8. Work collaboratively with state governments to manage and conserve game species and their habitats in a manner that respects private property rights and state management authority over wildlife resources.

## Section Seven

### County Goals, Strategies and Actions

*Federal land management planning processes will include Kane County as an active, on-going partner and will be consistent with county goals and policies when not constrained by federal law. The county will insist that State Institutional and Trust Lands uses conform to county land use policies and regulations.*

#### **A. Introduction**

Historically, federal and state trust lands management has taken place with little regard to Kane County land use plans. County officials have asked to become a part of developing federal land management plans. The County Commission has encouraged federal land managers to solicit local government involvement in their planning processes.

#### **B. Findings**

1. The historic cooperative efforts of the Western livestock industry, local governments, Federal land management agencies and State land management agencies has resulted in notable progress in sustainability of rangeland productivity. Bureau of Land Management records show a 100% increase in good condition rangeland and a 50% reduction of poor condition rangeland in the past 50 years.
2. As a result of significant management effort and cooperation, populations of big game and wildlife are increasing throughout the county. Continuation of these cooperative efforts is in the best interest of the rangelands, and the economic activity and wildlife dependent upon them.
3. As new knowledge of riparian area management has been available and applied, significant changes have occurred in riparian areas that benefit wildlife as well as livestock grazing and recreational use. The latest available technology must be used to support innovative application to continue the improvement in riparian habitat.
4. In order to promote the economic, cultural, and social well-being of Kane County and our rural communities, grazing preferences must continue to be adequately safeguarded.
5. Maintaining the economic viability of Kane County livestock industry is essential for maintaining the open space and habitat for big game, wildlife and fish. The alternative is to sell off of land for developments that would preclude big game, wildlife and fish.
6. Incentives for increased public input into management planning for public lands and in private investment in rangeland development will support continued cooperative management efforts.

7. In spite of statutory requirements, Federal land use plans have not been developed in full coordination with County government.
8. Maintaining the economic viability of Kane County minerals and energy industry is essential for maintaining workforce and economies along with tax base.

### **C. Purposes**

1. Promote healthy sustainable rangeland supporting a viable livestock industry upon which Kane County, our small communities and our citizens depend for their custom, culture, economic viability, and social stability.
2. Providing for orderly multiple use and development of rangelands to facilitate recreational uses, wildlife, mineral extraction, wood product supply and rights-of- way.
3. Provide for sustainable productive watersheds for a continued supply of waters for Kane County's irrigated agriculture sector which is dependent on both stream flows and water storage.
4. Provide for the protection of all property rights and interests related to water, livestock grazing, rights-of-way, mineral extraction, and use of State land leases.
5. Provide for statutory requirements for coordination and consistency between Federal land use plans and the Kane County Land Use Plan for Federal and State Lands.
6. Assure that both State and Federal statutes are followed in the administration of the public lands in Kane County.

### **D. Goal Statements**

## **AIR QUALITY**

**Kane County will take an active role in air quality management processes, especially in how federal and state agencies employ prescribed burning to manage vegetation. A primary purpose of county involvement with air quality management is to prevent significant deterioration of the high air quality enjoyed by county residents and visitors.**

### **1. Background**

The Federal Clean Air Act and State of Utah regulations establish standards and provide guidance to management agencies regarding parameters affecting air quality. Smoke management is one element (both prevention of significant deterioration (PSD) and total suspended particulate (TSP)) of several elements in the National Ambient Air Quality Standards established in the Clean Air Act (1967) and amendments to the Act (1972,

1977).

## **2. Strategies**

- a) Strengthen Kane County's participation in amending and implementing Utah State Implementation Plan (SIP) provisions that affect Kane County.
- b) Maximize Kane County's involvement in Color Country Interagency Fire Center planning and implementation activities.

## **3. Actions**

- a) Contact Utah State Division of Air Quality staff to request an annual briefing before the County Commission and Resource Development Committee regarding how Kane County can most effectively participate in air quality and smoke management processes.
- b) At the annual briefing by Utah Division of Air Quality staff, request a state staff evaluation regarding the when and how to implement the following provision in the Utah Code allowing for the creation of a cooperative agreement to implement air pollution prevention plans and operations in Kane County.

### **19-2-122. Cooperative agreements between political subdivisions and department.**

(1) Any political subdivision of the state may enter into and perform with other political subdivisions of the state or with the department contracts and agreements as they find proper for establishing, planning, operating, and financing air pollution programs.

(2) The agreements may provide for an agency to:

- (a) supervise and operate an air pollution program;
- (b) prescribe, subject to the approval of the board, the agency's powers and duties; and
- (c) fix the compensation of the agency's members and employees.

- c) Assure that the Kane County Fire Marshal communicates to the County Commission all state and interagency authorizations for burning events allowable under air quality standards, including projected amounts of particulates and smoke management objectives.
- d) Request that the annual briefing from state air quality staff and the Color Country Interagency Fire Center include a review of Best Management Practices for managing smoke from prescribed burns, such as smoke avoidance, dilution and emission reduction and limiting unnecessary emissions from existing and new, point and nonpoint sources.
- e) Kane County will participate in annual Regional Fire Management Updates where Color Country Interagency Fire Center representatives describe plans for prescribed burns and results of restoration activities on recent burns.
- f) Establish quarterly meetings with the Grand Staircase-Escalante National Monument Manager, the BLM Kanab Field Office Manager, the Cedar City District Ranger, and

National Park Service managers to coordinate management activities, including the backlog of prescribed burns and applications and requests for additional prescribed burns.

## **AREAS OF CRITICAL ENVIRONMENTAL CONCERN**

**Kane County will participate in evaluation, planning, and designation activities for Areas of Critical Environmental Concern (ACECs) established by the Bureau of Land Management (BLM). Insist that BLM ACECs do not become surrogates for wilderness areas without Congressional authorization.**

### **1. Background**

The Federal Land Policy & Management Act (FLPMA), in 43 U.S.C. §1711, requires the BLM to prepare and maintain on a continuing basis an inventory of BLM administered lands and their resource and other values, giving priority to areas of critical environmental concern. The Act further requires that the inventory must be kept current in order to reflect changes in conditions and to identify new and emerging resource and other values. The Act also mandates that neither the preparation nor maintenance of the inventory or the identification of Areas of Critical Environmental Concern shall in and of itself change management or use of the lands. The Federal Land Policy & Management Act also requires, in 43 U.S.C. §1712, that the BLM coordinate the land use inventory, as well as the planning and management activities for land uses with other federal departments and agencies of the states and local governments within which the land lies. FLPMA also requires, in 43 U.S.C. §1712, that the BLM give priority in the planning process to designation and protection of areas of critical environmental concern. Such areas are defined as areas where special management attention is required to protect and prevent damage to important historic, cultural or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards. The inventory and planning process mandated by the FLPMA was re-emphasized in the Public Rangelands Improvement Act. The National Environmental Policy Act requires the BLM to use a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences in planning and decision making “which may have an impact on man’s environment” (42 U.S.C. §4332). The National Environmental Policy Act further requires that the BLM decision making process give appropriate consideration to presently un-quantified environmental amenities and values, and to economic and technical considerations. The Act also requires an EIS prepared in accordance with 42 U.S.C. §4332 prior to any major federal action significantly affecting the quality of the human environment.

BLM completed the Kanab Field Office RMP in 2008. The RMP designated one ACEC, Cottonwood Canyon (3,800 acres), for the purpose of protecting the Fredonia, Arizona culinary water supply. Grand Staircase Escalante National Monument did not designate any ACECs during the development of its Management Plan. ACEC nominations can come at any time, from any source. BLM normally holds such nominations until RMP revisions are considered.

## **2. Strategy**

Monitor BLM planning initiatives by making a formal request for Cooperating Agency status for any ACEC evaluation and analysis.

## **3. Actions**

- a) Confirm that any ACEC nomination evaluated by BLM describes the important uniqueness (one of a kind), historic, cultural or scenic value, the fish and wildlife resource, or other natural systems or processes of any proposed ACEC, and describe and document the damage which will occur to such value unless special management attention is given to the area, or describe and document the natural hazards of the area which will endanger life or safety unless special management attention is given.
- b) Assure that BLM ACEC analysis describes and documents special management attention which is necessary to protect a proposed ACEC from imminent damage to the statutory unique (one of a kind), relevance and importance values, or to protect life and safety from natural hazards, and quantifies the manner in which such special management attention is expected to provide the needed protection.
- c) The following standards will be the basis for Cooperating Agency evaluation of any draft ACEC Management Plan:

The Draft Plan employs a systematic interdisciplinary approach in order to achieve integrated consideration of physical, biological, economic, and other scientific data.

The Draft Plan uses and observe the principles of multiple use and sustained yield set forth in federal statutory law.

The Draft Plan considers present and potential uses of the land and the impacts of special management on private in-holdings, adjacent private lands and state-leased lands.

The Draft Plan considers the relative scarcity of the values involved and the availability of alternative means and sites for realization of those values.

The Draft Plan weighs long term benefits to the public against short term benefits of the existing or proposed action regarding ACEC status.

- d) The Kane County Resource Development Committee will meet annually with BLM managers, other federal agencies, state and local government planning agencies, affected land owners, and interested public users to review data regarding existing and proposed ACECs.

## CULTURAL RESOURCES

**Kane County will invite federal and state land management agencies to consult and coordinate with the county when considering ground disturbance activities to ensure protection of cultural resources. The county will request that federal and state agencies establish and maintain agreements with Kane County to consult with Kane County regarding the management of any historic, archeological, paleontological, or other cultural resource within the boundaries of Kane County.**

### 1. Background

The Federal Land Policy and Management Act directs the BLM administered lands managed be managed so as to protect archeological values. The Antiquities Act of 1906 and the Archeological Resources Protection Act of 1979 require protection of paleontological resources and require permits for excavation or appropriation of such resources. The National Environmental Policy Act directs preservation of important natural aspects of the national heritage. The National Historic Preservation Act of 1966 describes federal agencies responsibility to preserve prehistoric and historic cultural resources.

### 2. Strategy

Kane County will establish a formal consultation relationship with federal and state land management agencies that gives Kane County similar standing to Native American tribes as agencies develop and implement cultural resource protection strategies.

### 3. Actions

- a) Kane County Commissioners will request formal consultation agreements with the National Park Service, Bureau of Land Management and the US Forest Service regarding cultural resource management activities patterned after similar agreements already in place with Native American tribes.
- b) Kane County will consult with federal agencies regarding the protection of those portions of the Spanish Trail and associated cultural resource sites on federal lands within Kane County.
- c) Kane County will coordinate with interested groups and agencies to nominate appropriate site/areas to the national register of historic places in accordance with the policies and procedures outlined in NEPA.
- d) Consultation agreements between Kane County and federal land management agencies will include provisions that require agencies to document, record and make available to Kane County all legally accessible data that details conditions found at specific cultural and paleontological sites
- e) The Kane County Resource Development Committee will meet annually with BLM managers, other federal agencies, state and local government planning agencies, affected

land owners, and interested public users to review data regarding cultural resource sites.

## FEDERAL RESOURCE MANAGEMENT PLANNING

**Kane County will insist that the county become a Cooperating Agency in all federal land management planning processes that affect lands within Kane County. The County will also expect formal consultation status in all federal land management planning activities.**

### 1. Background

Counties may use duly adopted plans, programs or policies to directly influence federal natural resource and land planning efforts by informing the federal agencies of the plans and their provisions. As part of these plans, counties may want to make known their interpretation of the criteria the federal planning agencies must consider as land and resource management plans are developed. This could, for example, be used to define, among other things, the desired future conditions for the county's economy, lifestyle, or recreational needs of the citizens, and the necessary use of the federal natural resources to achieve these desired future conditions.

### 2. Strategy

Kane County will request formal status as a consulting entity for all federal land management planning processes affecting lands inside the boundaries of Kane County, as well as Cooperating Agency status.

### 3. Actions

- a) The following land management schemes and actions have been reviewed by Kane County Commissioners, Land Use Authority and County Resource Development Committee and found to be inconsistent with Kane County land use plans and policies:
  - 1) Designation of **“Integral Vistas”**, that by definition expand federal land management controls across state and private lands by holding states responsible to incorporate such controls as part of air quality implementation plans.
  - 2) Establishment of **Class I “Attainment Areas”** that expand Class I air quality standards outside of National Park Units.
  - 3) Developing or proposing **“Buffer Zones”** that attempt to impose federal land management prescriptions on adjacent state or private lands.
  - 4) Designating **“Critical Habitat”** without involvement and concurrence of county officials.
  - 5) Employing **“Visual Resource Management”** provisions intended to constrain uses of adjacent state or private lands.

- 6) Any other form of federal land management that intentionally or unintentionally affects the ability of state or private land owners to pursue otherwise lawful activities under state and local land use authorities.
- b) Key scenic areas where tourist and local resident access is essential are identified and included on the General Plan Map.
- c) All federal land management agencies in Kane County should include a full assessment of the social and economic impacts of management actions as part of the NEPA analysis.
- d) In coordination with federal agencies and state and local government planning agencies, and in cooperation with interested members of the public, re-evaluate Visual Resource Management classifications every 10 years.
- e) Kane County will participate in land management planning processes to assure that approved ATV/OHV roads and trails systems reflect demands of users, while recognizing that cross-country travel, except under special circumstances, will not be an acceptable land use practice.

## **GRAZING MANAGEMENT**

**Kane County will advocate with state and federal land management agencies for landscape vegetation maintenance and improvement which will support restoration of suspended AUM's, allocation of continuously available temporary non-renewable use as active preference, and will support continued use and or increased use of State school and institutional trust lands**

### **1. Background**

The Taylor Grazing Act mandates stabilization of the livestock industry by providing for the orderly use, improvement, and development of the range in a manner which adequately safeguards vested grazing and water rights, and in a manner that will not impair the value of the grazing unit of the permittee when such unit is pledged as debt security by the permittee. The Public Rangeland Improvement Act (PRIA) provides that Bureau of Land Management administered lands be managed in accordance with the Taylor Grazing Act. PRIA further provides that the range should be made "as productive as feasible" in accordance with the Congressional objective of preventing "economic disruption and harm to the western livestock industry". PRIA mandates improvement of the rangelands in order to expand the forage resource and increase the resulting benefits to livestock and wildlife production. FLPMA directs that BLM administered lands be managed in a manner which "recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands". The National Environmental Policy Act requires consideration of all environmental actions on the culture, heritage and custom of local government (16 U.S.C. sec. 4331 (a) (4)). Current active preference and continuously available supplemental use is considered the established allowable use for livestock grazing.

## **2. Strategy**

Kane County will actively participate in federal and state processes governing grazing on public lands by becoming a Cooperating Agency in grazing management planning processes and partnering with grazing permit holders in responding to any alterations in grazing systems, numbers, or actions.

## **3. Actions**

- a) Formally support rangeland improvement programs by submitting comments regarding proposed activities, including but not limited to; water developments, rangeland restoration, juniper/shrub control, and weed control to achieve forage and livestock grazing as well as other multiple use resource goals.
- b) Work with the state of Utah, local Conservation Districts, the Kane County Water Conservancy District, and private land owners to identify and develop off-stream water sources where such opportunities exist, in all allotments pastures with sensitive riparian areas and in all allotments where improved livestock distribution will result from such development.
- c) Support private land owner and conservation districts to identify and implement all possible livestock distribution, forage production enhancement, and weed control programs before accepting changes in livestock use levels.
- d) Do not support the initiation of reductions in stocking levels until monitoring data demonstrates that grazing management supported by range improvements and specialized grazing systems are not supporting basic soils, vegetation and watershed goals.
- e) Insist that grazing management actions and strategies fully consider impact on property rights of in-holders, adjacent private land owners and state land lessees; as well as the potential impacts of such actions on grazing animal production.
- f) Support private landowners who can document that monitoring history, actual use or authorization of Temporary Non-renewable Rights demonstrates that supplemental use is continuously available, and can or should be used to improve or protect rangelands (e.g. reduction of fuel loads to prevent recurring wildfire) to initiate a process to allocate such use to permittees as active grazing preference.
- g) Encourage the authorization of supplemental forage during years when climatic conditions result in such availability.
- h) Encourage livestock operators to document the amount of livestock use through review of actual use, authorized active use, suspended use and temporary nonrenewable use and provide the information to the County Resource Development Committee.

- i) Encourage livestock operators to document all rangeland and livestock management improvement programs as to acres affected by vegetation manipulation, water development, specialized grazing systems and weed control and provide the information to the County Resource Development Committee.
- j) Encourage livestock operators to document grazing use in each allotment through use pattern mapping and provide the information to the County Resource Development Committee.
- k) Encourage livestock operators to document the direction of rangeland trend and seral class acreage changes that support changes in the amount of use being authorized or denied and provide the information to the County Resource Development Committee.
- l) Encourage livestock operators to document all decisions or agreements resulting in changes in active preference and approvals or denial of applications for supplemental use and provide the information to the County Resource Development Committee.
- m) Request information regarding monitoring data, trend studies and seral class rangeland studies from federal land management agencies in order to establish the amount of authorized use that can be sustained and to determine the degree to which, data supported requests for increases in active preference or applications for supplemental use are approved and authorized.
- n) The County Resource Development Committee will use the information provided to determine the degree to which vegetation manipulation projects, range improvement practices, specialized grazing systems, and weed control projects are being implemented.

## LAND ACQUISITION

**Utilize, to the greatest extent possible, agricultural use, mining entry, land exchange, and or land sale for disposal of all public lands which by virtue of their size or location render them difficult and expensive to manage and do not serve a significant public need or where disposal will serve important public objectives. Authorize as needed the use of those lands, not currently authorized, for rights-of-way, leases and permits. There will be "No Net Increase of Acreage" of federal lands in Kane County**

### 1. Background

The Federal Land Policy & Management Act provides for effective use of the BLM administered lands by providing continuity of uses for roads, power, water, and other utilities. FLPMA mandates multiple-use of BLM administered lands, provides for continuing inventory and classification reviews of the BLM administered land, authorizes the Director to acquire lands when necessary to provide more efficient management through consolidation, and authorizes disposal of certain BLM administered lands. Lands currently under the jurisdiction of other agencies or lands currently withdrawn need a management plan to assure

multiple use development when that existing withdrawal is revoked. The BLM is required to comply with federal, state and local government laws relating to hazardous materials.

## **2. Strategy**

Kane County will identify parcels of public lands needed for community development purposes, and partner with other agencies and appropriate organizations to facilitate necessary authorizations for use of public lands to accommodate legitimate rights of way, leases or other permits.

## **3. Actions**

- a) Kane County will identify parcels of public lands needed for community development purposes, including the development of an inventory of public lands which should be disposed of in the public good and made available for further application for agricultural or locatable and leasable mineral purposes.
- b) Kane County will continue to partner with appropriate public entities to facilitate the use of federal lands for Recreation and Public Purposes pursuant to the Recreation and Public Purposes Act of 1926, *as amended*, to include access roads and parking areas in locations receiving tourist visitation
- c) Any acquisition of or easements across private lands by a federal land management agency will be reviewed by the County Commission. The concerns of the Commission will be addressed in the NEPA documentation prepared for such acquisition
- d) Identify and give priority consideration to requests for exchanges or purchases from private land owners with fenced federal range, isolated tracts, or irregular boundary lines.
- e) Seek legal administrative access only through purchase or exchange where significant administrative need exists, construct new roads around private lands where easement acquisition is not feasible, and consider significant public access needs in all land tenure adjustment transactions.
- f) Insist that federal land management actions for lands that have been returned to federal management through revocation of withdrawals will occur in accordance with existing land use plans for adjacent land.
- g) Document access needs and procedures and methods utilized to achieve such access.
- h) Determine annually the degree of progress in achieving disposal of lands classified for priority disposal.
- i) Evaluate the degree to which access needs are being met.
- j) Pursue increased public access opportunities in both motorized and non-motorized

settings through the acquisition of rights-of-way or easements, both public and private.

## **MINERALS DEVELOPMENT**

**Facilitate environmentally responsible exploration and development based on a preponderance of scientific evidence for locatable mineral, oil and gas, geothermal, and mineral material resources on public lands open to location under mining and other appropriate statutes in order to maintain the economic viability of Kane County coal and other locatable or leasable mineral and energy resources.**

### **1. Background**

The Mineral Leasing Act of 1920 as amended, and the Mining and Mineral Policy Act of 1970 declare that it is the continuing policy of the federal government to foster and encourage private enterprise in the development of domestic mineral resources. The 1872 Mining Law along with the Mining and Mineral Policy Act of 1970 declare that it is the continuing policy of the United States to foster and encourage private enterprise in the development of domestic mineral resources. The Federal Land Policy & Management Act reiterates that the Mining and Minerals Policy Act of 1970 is to be implemented and directs that BLM administered lands are to be managed in a manner which recognizes the nation's need for domestic sources of minerals and other resources. The National Materials and Minerals Policy, Research and Development Act of 1980 restates the need to implement the 1970 Act and requires the Secretary of the Interior to improve the quality of minerals data in land use decision making.

### **2. Strategy**

In coordination with federal agencies and state and local government planning agencies and with interested members of the public, evaluate, classify and inventory the potential, for coal, locatable or leasable mineral, oil, gas, and geothermal, and material mineral exploration or development, in Kane County to insure that lands shall remain open and available.

### **3. Actions**

- a) Develop an evaluation program which relies upon and uses all available data retrieval and interpretation methods, including, but not limited to: Reviewing existing data, geochemical and geophysical testing, geological mapping and sampling, and, where appropriate, drilling testing.
- b) Provide for mineral material needs through negotiated sales, free use permits and community pits.
- c) Determine the degree to which mineral exploration and development are occurring compared to needs and potential for the County.
- d) Determine whether the time required to obtain necessary permits and approvals is excessive.

## MULTIPLE USE / SUSTAINED YIELD

**Continue to insist that federal land management plans which regulate public lands in Kane County promote the multiple use / sustained yield concept of public lands use, including multiple recreation uses, high quality recreational opportunities and experiences at developed and undeveloped recreation sites, allowing historic uses and access and maintaining existing amenities, and providing new recreation sites for the public's enjoyment. Recognize that multiple recreation uses are mandated by the multiple use concepts and that adequate outdoor recreation resources must be provided on the BLM administered lands and waterways.**

### 1. Background

The Federal Land Policy & Management Act declares it to be the policy of the United States that BLM administered lands be managed on the basis of multiple use in a manner which provides for outdoor recreation and human occupancy and use, while at the same time protecting scenic, ecological, environmental, water, and archaeological values. The Act also mandates that outdoor recreation be considered one of the principle uses in the multiple use concept for the BLM administered lands. In 1963, Congress enacted the Outdoor Recreation Coordination Act declaring it "desirable that all American people of present and future generations be assured adequate outdoor recreation resources". See 16 U.S.C. ' 460L. The Secretary of Interior was authorized to prepare and maintain "a continuing inventory and evaluation of outdoor recreation needs and resources". 16 U.S.C. ' 460L-1. This Act also requires consideration of the plans of federal agencies, states, and the political subdivisions of states, and required the BLM to cooperate with states, political subdivisions of states and private interests with respect to outdoor recreation. ' 460L-1(c)(d). The Intermodal Surface Transportation Efficiency Act 16 U.S.C. ' 1302; National Recreational Trails Fund, 26 U.S.C. ' 9511; and National Trails System Act, 16 U.S.C. ' 1241 provide for the preservation, development and funding of roads and trails for recreation use... These statutes mandate that trails for multiple recreation uses be made available for a diversity of motorized and non-motorized uses. Multiple recreation uses must also be provided for the elderly, physically challenged and very young in order to provide diversity of recreation opportunities. See, Americans with Disabilities Act, 42 U.S.C. ' 12111 *et seq.* All areas historically accessed by off-highway recreational vehicles, mechanized vehicles, horses and boats should continue to be available for their historical uses. These historically accessed areas include roads, trails, sand washes, and waterways identified to the Kane County Clerk as Revised Statute 2477 rights-of-way.

### 2. Strategy

In compliance with applicable local, state and federal laws, identify specific areas for additional trailhead facilities for both motorized and non- motorized access, development and/or maintenance of roads, trails, and waterways for both motorized and non-motorized access, restoration of those areas formerly available for historical recreational uses, e.g.

motorized and equestrian access for recreational and competitive events, hunting and boating.

**3. Actions:**

- a) Provide for continued multiple recreation uses in special and extensive recreation management areas, including those areas where state, federal and/or private funds and materials were or are considered to be used to provide for recreational facilities.
- b) Provide for adequate outdoor recreation resources by revising the designated areas to decrease or eliminate limitations and restrictions where the review and evaluation shows that the limitations and restrictions are no longer appropriate and necessary.
- c) Assist, where necessary, appropriate entities establish designated equestrian, foot, and off-highway vehicle trail systems and waterways for compatible recreation, commercial, and other multiple uses so that such uses can continue unabated.
- d) Invite federal and state land managers to provide an annual update on the maintenance of existing facilities at developed recreational sites and proposed upgrades, reconstruction and/or added recreation facilities, when needs are indicated by monitoring data, at currently undeveloped sites. The report will describe methods of minimizing or mitigating documented use conflicts or damage and define the manner in which each method is expected to accomplish minimization or mitigation.
- e) The County Resource Development Committee will review and analyze data relating to the demand for recreation use, the impact of the various recreation uses on land values, and any actual conflict or damage caused by each of the multiple recreation uses.
- f) In coordination with federal agencies and state and local planning agencies, the County Resource Development Committee will review data to determine whether temporary climatic conditions, wildlife activities, or range conditions which may require temporary or seasonal restrictions or limitations on historic and present recreation uses, and review data to determine the earliest point at which temporary restrictions or limitations can be removed.
- g) Invite federal and state land managers to review management actions taken specifically to meet requirements of the ADA and records of use and requests for use from ADA eligible individuals.
- h) Document all user conflicts reported to Kane County and or federal land management agencies.
- i) Meet annually with interested hunters, fishermen and other recreation users and review the data regarding recreation demands, outdoor recreation resources, and multiple recreation uses and their impact.

- j) Coordinate with federal agencies and state and local government planning agencies to annually review and analyze recreational inventory, classification and designation information to validate the relevance and importance criteria, the impact on land values and on recreation uses, historic and present.
- k) Analyze data on recreational uses in areas with special use designations or which are under study for such designation to identify any adverse impacts.

## **SPECIAL DESIGNATIONS/WILDERNESS MANAGEMENT**

**Seek immediate Congressional designation action on all Wilderness Study Area (WSA) recommendations in Kane County to release these areas for multiple use management and in the interim prevent, minimize or mitigate impairment or degradation of such areas to the extent that Congressional actions are not pre-empted.**

### 1. Background

The Federal Land Policy and Management Act directs the Secretary of the Interior to review BLM-administered lands and recommend those found to meet wilderness characteristics. Between submission of the Secretary's recommendations and final Congressional action, the Act provides that the lands be managed in such manner so as not to impair their wilderness characteristics, "subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on" October 21, 1976. The Act directs prevention of "unnecessary or undue degradation of the lands and their resources" and implementation of environmental protection. Enabling legislation will identify specific management direction for each Wilderness Area or specify that these lands be placed under multiple use management. The Federal Lands Policy & Management Act declares as the policy of the United States that BLM administered lands will be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource and archaeological values, that will provide food and habitat for fish and wildlife and domestic animals that will provide for outdoor recreation and human occupancy and use, and, where appropriate, will preserve and protect certain BLM administered lands in their natural condition.

### 2. Strategy

Kane County will continue to insist that BLM Wilderness Study Areas and Forest Service Inventoried Roadless Areas receive Congressional designation as wilderness areas, or be released for multiple use management.

### 3. Actions

- a) Kane County will develop a comprehensive recommendation to Congress seeking immediate release of all WSA's and IRAs to multiple use management.
- b) Upon Congressional release, formally request that BLM and Forest Service management plans and policies for the affected areas be amended to be consistent with non-wilderness

full multiple use concepts mandated by the Federal Land Policy & Management Act and Public Rangelands Improvement Act. Document the implementation of multiple use management on lands released through Congressional action.

- c) Track the development of Congressional recommendations and Congressional action on Wilderness Areas and Wild and Scenic River recommendations.

## VEGETATION MANAGEMENT

### **Maintain or improve conifer tree health, vegetation diversity, and wildlife and watershed values through active management of conifer forests in Kane County and prevent encroachment of Pinion- Juniper into these communities.**

#### 1. Background

The Public Rangelands Improvement Act directs that the condition of the federally administered rangelands be improved so that they become as productive as feasible for all rangeland values. FLPMA mandates that BLM administered lands be managed in a manner that will protect the quality of ecological and other resource values and provide food and habitat for fish and wildlife and domestic animals and recognizes the nation's need for domestic sources of minerals, food, timber, and fiber from the BLM administered lands.

#### 2. Strategy

Kane County will actively monitor vegetation management planning and implementation.

#### 3. Actions

- a) Invite National Park Service, Forest Service, BLM land managers to present an annual report to the County Resource Development Committee detailing proposed vegetation management activities for the upcoming 12 months, as well as the status of vegetation management activities undertaken in the past 12 months.
- b) The annual report will also include an evaluation of monitoring documentation to determine the degree to which coniferous forests are continuing to be affected by insect damage and displaced by pinyon/juniper.

## WATER MANAGEMENT

### **Kane County will cooperate with the State of Utah to achieve the provisions of the State of Utah water quality plan, while complying with Utah constitutional and statutory law as to vested water rights and control of in-stream flow. The County will support efforts to maintain or improve riparian areas and aquatic habitat that represents a range of variability for functioning condition.**

#### 1. Background

The Utah Code requires that all State institutional and trust lands be administered "in such

manner as will secure the maximum long term financial return to the institution to which granted or to the state....” Article XVII of the Utah Constitution, and Title 73 of the Utah Code, establish the nature of water rights as rights of realty, define the process by which such rights are acquired, and protect such vested rights. The Utah Code guarantees the right to water livestock from in-stream flow and addresses water quality issues through designation of beneficial uses, specific water quality standards to meet beneficial uses, and the processes to follow in achieving the standards where they are deficient. Federal land management agencies must comply with Utah water quality law including the processes set forth for achieving water quality standards. Title 19 of the Utah Code also states "It is the intent of the state of Utah fully meet the goals and requirements of the Federal Clean Water Act and that the rules promulgated under this act not impose requirements beyond those of the Federal Clean Water Act.

## **2. Strategy**

Kane County will be an active participant in state and federal water quality planning and implementation actions that affect waters within the county.

## **3. Actions**

- a) Invite federal and state land management agencies to present an annual report on Best Management Practices (BMP's) used to protect water quality across Kane County.
- b) Encourage federal land management agencies to standardize forms and procedures for all monitoring data related to riparian and aquatic, habitat, condition and trend.
- c) The Kane County Resource Development Committee will participate in the development of management plans for multiple uses in high erosion hazard watersheds, or watersheds where accelerated erosion is occurring, which assure that planning documents and/or other agreements which affect multiple uses reflect Kane County priorities.
- d) Kane County will invite the Utah Department of Wildlife Resources to present an annual report regarding in-stream flow impact on fish and wildlife habitat, aquatic life, recreation, aesthetic beauty and water quality in light of Utah Code which prohibits impairment, diminution, control or divestiture of "existing or vested water rights".
- e) Kane County will invite the Kane County Water Conservancy District to present an annual report regarding the status of development and maintenance of water conveyance systems.
- f) Kane County will invite federal land management representatives to annually report progress in the development of Allotment Management Plans including site specific Best Management Practices that impact water development.

## **WILDLIFE MANAGEMENT**

### **Maintain, improve or mitigate wildlife habitat in order to sustain viable and harvestable populations of big game and upland game species as well as wetland/riparian habitat for waterfowl, fur bearers and a diversity of other game and non-game species.**

#### **1. Background**

The Federal Land Policy & Management Act provides that it is the policy of the United States that BLM administered lands be managed in a manner that will protect the quality of multiple resources, will provide food and habitat for fish and wildlife and domestic animals, and will provide for outdoor recreation and human occupancy and use. The Public Rangeland Improvement Act directs improvement of rangeland conditions and provides for rangeland improvements which include habitat for wildlife. The Utah Code requires that all State lands be administered "in such manner as will secure the maximum long term financial return to the institution to which granted or to the state...." The authority for management of wildlife rests solely with the State of Utah by virtue of the equal footing doctrine stated in the Admissions Act, article one and adoption of the US Constitution (10th amendment).

#### **2. Strategy**

Kane County will be an active partner in the development of wildlife management plans and activities for lands within Kane County.

#### **3. Actions**

- a) Kane County will consult with the Utah Division of Wildlife Resources, all affected land owners, lessees and permittees in the development of specific wildlife population targets, harvest guidelines, depredation mitigation and guidelines for future site specific management plans affecting upland, water fowl and big game habitat. Such plans will include provisions to document incidents of wildlife depredation and the extent of game animal harvest in designated management areas of both land and wildlife management agencies.
- b) Kane County will encourage accelerated planning, approval and completion of additional water developments, rangeland treatment projects and prescribed burns with objectives for enhancement of big game and other wildlife habitat.
- c) Kane County will insist that land management agencies provide all necessary maintenance of enclosure fences not specifically placed for improved management of livestock.
- d) The Kane County Resource Development Committee will invite private land owners to regularly report instances of wildlife depredation and related concerns regarding wildlife habitat on private land.
- e) Kane County will formally request participation in the development and establishment of population targets and management guidelines for upland game, water fowl, and big

game species.

- f) Kane County will request annual reports from land management agencies regarding monitoring activities undertaken on range improvement projects, rights-of-way, woodcuts, mining activities, mineral leases and material sales contracts, and multiple recreation uses, to document habitat improvement or disturbance.
- g) Kane County will continue to oppose any listing of a threatened or endangered species which does not include an analysis of the impacts to the county's economic base

## Section Eight Monitoring

Progress toward the Desired Resource Management Setting will be measured by working towards, and ultimately achieving, the Goals and Objectives as set forth in this County Resource Management Plan. Regular progress reports will be made to the County Commission by the Land Use Authority, Resource Development Committee, staff and federal and state land managers regarding progress toward the desired management setting and toward accomplishment of the goals and objectives. Recommendations may be made to the plan from time to time by the land use authority to the county commission.

### **Partnerships:**

Progress regarding planning and development changes on the state and public lands will be made by continued close relationships with public land managers in a cooperative effort with the county.

### **Local Economic Impact:**

Economic changes which could affect the economic well-being of county residents will always be of primary importance to county officials. Much of the county employment is linked to the use of public lands, any policy changes or management decisions which may impact the county's customs and culture, or affect its overall economic well-being, must be addressed as soon as the county becomes aware of these changes.

### **Public Involvement:**

The county should keep the public informed as much as possible, in understanding public land policy. The county should take into account feedback from the public in evaluating public land issues and in determining the county's policy and position.

### **Monthly County Resource Development Committee Coordination Meetings**

Actions identified in Sections Six and Seven will require regular meetings to which appropriate agency representatives are invited and provided with an agenda of discussion topics. The annual schedule found in Appendix \_\_\_ is provided for use by the County Resource Development Committee, Land Use Authority and County Commission.

**Appendix A**  
**State of Utah Resource Management Plan for Federal Lands**  
**From Title 63J, Chapter 8**  
**Utah Code**  
**Enacted by Chapter 49, 2011 General Session**

**63J-8-101. Title.**

This chapter is known as "State of Utah Resource Management Plan for Federal Lands."

**63J-8-102. Definitions.**

As used in this chapter:

- (1) "ACEC" means an area of critical environmental concern.
- (2) "AUM" means animal unit months, a unit of grazing forage.
- (3) "BLM" means the United States Bureau of Land Management.
- (4) "FLPMA" means the Federal Land Policy Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.
- (5) "Forest service" means the United States Forest Service within the United States Department of Agriculture.
- (6) "Multiple use" means proper stewardship of the subject lands pursuant to Section 1031(C) of FLPMA, 43 U.S.C. Sec. 170(C).
- (7) "OHV" means off-highway vehicle as defined in Section [41-22-2](#).
- (8) "Settlement Agreement" means the written agreement between the state and the Department of the Interior in 2003 (revised in 2005) that resolved the case of State of Utah v. Gale Norton, Secretary of Interior (United States District Court, D. Utah, Case No. 2:96cv0870).
- (9) "SITLA" means the School and Institutional Trust Lands Administration as created in Section **53C-1-201**.
- (10) (a) "Subject lands" means the following non-WSA BLM lands:
  - (i) in Beaver County:
    - (A) Mountain Home Range South, Jackson Wash, The Toad, North Wah Wah Mountains, Central Wah Wah Mountains, and San Francisco Mountains according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and
    - (B) White Rock Range, South Wah Wah Mountains, and Granite Peak according to the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;
  - (ii) in Box Elder County: Little Goose Creek, Grouse Creek Mountains North, Grouse Creek Mountains South, Bald Eagle Mountain, Central Pilot Range, Pilot Peak, Crater Island West, Crater Island East, Newfoundland Mountains, and Grassy Mountains North according to the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage

existed on February 17, 2011;

(iii) in Carbon County: Desbrough Canyon and Turtle Canyon according to the region map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(iv) in Daggett County: Goslin Mountain, Home Mountain, Red Creek Badlands, O-wi-yu-kuts, Lower Flaming Gorge, Crouse Canyon, and Diamond Breaks according to the region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(v) in Duchesne County: Desbrough Canyon according to the region map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(vi) in Emery County:

(A) San Rafael River and Sweetwater Reef, according to the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(B) Flat Tops according to the region map entitled "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(C) Price River, Lost Spring Wash, Eagle Canyon, Upper Muddy Creek, Molen Reef, Rock Canyon, Mussentuchit Badland, and Muddy Creek, according to the region map entitled "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(vii) in Garfield County:

(A) Pole Canyon, according to the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(B) Dirty Devil, Fiddler Butte, Little Rockies, Cane Spring Desert, and Cane Spring Desert Adjacents, according to the region map entitled "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(C) Lampstand, Wide Hollow, Steep Creek, Brinkerhof Flats, Little Valley Canyon, Death Hollow, Studhorse Peaks, Box Canyon, Heaps Canyon, North Escalante Canyon, Colt Mesa, East of Bryce, Slopes of Canaan Peak, Horse Spring Canyon, Muley Twist Flank, Pioneer Mesa, Slopes of Bryce, Blue Hills, Mud Springs Canyon, Carcass Canyon, Willis Creek North, Kodachrome Basin, and Kodachrome Headlands, according to the region map entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,

2011; and

(D) Notom Bench, Mount Ellen, Bull Mountain, Dogwater Creek, Ragged Mountain, Mount Pennell, Mount Hillers, Bullfrog Creek, and Long Canyon, according to the region map entitled "Henry Mountains" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(viii) in Iron County: Needle Mountains, Steamboat Mountain, Broken Ridge, Paradise Mountains, Crook Canyon, Hamlin, North Peaks, Mount Escalante, and Antelope Ridge, according to the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at

<http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(ix) in Juab County: Deep Creek Mountains, Essex Canyon, Kern Mountains, Wild Horse Pass, Disappointment Hills, Granite Mountain, Middle Mountains, Tule Valley, Fish Springs Ridge, Thomas Range, Drum Mountains, Dugway Mountains, Keg Mountains West, Keg Mountains East, Lion Peak, and Rockwell Little Sahara, according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(x) in Kane County:

(A) Willis Creek North, Willis Creek, Kodachrome Badlands, Mud Springs Canyon, Carcass Canyon, Scorpion, Bryce Boot, Paria-Hackberry Canyons, Fiftymile Canyon, Hurricane Wash, Upper Kanab Creek, Timber Mountain, Nephi Point, Paradise Canyon, Wahweap Burning Hills, Fiftymile Bench, Forty Mile Gulch, Sooner Bench 1, 2, & 3, Rock Cove, Warm Bench, Andalex Not, Vermillion Cliffs, Ladder Canyon, The Cockscomb, Nipple Bench, Moquith Mountain, Bunting Point, Glass Eye Canyon, and Pine Hollow, according to the region map entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(B) Orderville Canyon, Jolley Gulch, and Parunuweap Canyon, according to the region map entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xi) in Millard County: Kern Mountains, Wild Horse Pass, Disappointment Hills, Granite Mountain, Middle Mountains, Tule Valley, Swasey Mountain, Little Drum Mountains North, Little Drum Mountains South, Drum Mountains, Snake Valley, Coyote Knoll, Howell Peak, Tule Valley South, Ledger Canyon, Chalk Knolls, Orr Ridge, Notch View, Bullgrass Knoll, Notch Peak, Barn Hills, Cricket Mountains, Burbank Pass, Middle Burbank Hills, King Top, Barn Hills, Red Tops, Middle Burbank Hills, Juniper, Painted Rock Mountain, Black Hills, Tunnel Springs, Red Canyon, Sand Ridge, Little Sage Valley, Cat Canyon, Headlight Mountain, Black Hills, Mountain Range Home North, Tweedy Wash, North Wah Wah Mountains, Jackson Wash, and San Francisco Mountains, according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xii) in Piute County: Kingston Ridge, Rocky Ford, and Phonolite Hill, according to the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xiii) in San Juan County:

(A) Horseshoe Point, Deadhorse Cliffs, Gooseneck, Demon's Playground, Hatch Canyon, Lockhart Basin, Indian Creek, Hart's Point, Butler Wash, Bridger Jack Mesa, and Shay Mountain, according to the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at

<http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(B) Dark Canyon, Copper Point, Fortknocker Canyon, White Canyon, The Needle, Red Rock Plateau, Upper Red Canyon, and Tuwa Canyon, according to the region map entitled "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at

<http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(C) Hunters Canyon, Behind the Rocks, Mill Creek, and Coyote Wash, according to the region map entitled "Moab/La Sal" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(D) Hammond Canyon, Allen Canyon, Mancos Jim Butte, Arch Canyon, Monument Canyon, Tin Cup Mesa, Cross Canyon, Nokai Dome, Grand Gulch, Fish and Owl Creek Canyons, Comb Ridge, Road Canyon, The Tabernacle, Lime Creek, San Juan River, and Valley of the Gods, according to the region map entitled "San Juan" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xiv) in Sevier County: Rock Canyon, Mussentuchit Badland, Limestone Cliffs, and Jones' Bench, according to the region map entitled "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at

<http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xv) in Tooele County:

(A) Silver Island Mountains, Crater Island East, Grassy Mountains North, Grassy Mountains South, Stansbury Island, Cedar Mountains North, Cedar Mountains Central, Cedar Mountains South, North Stansbury Mountains, Oquirrh Mountains, and Big Hollow, according to the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011, excluding the areas that Congress designated as wilderness under the National Defense Authorization Act for Fiscal Year 2006; and

(B) Ochre Mountain, Deep Creek Mountains, Dugway Mountains, Indian Peaks, and Lion Peak, according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at

<http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xvi) in Uintah County:

(A) White River, Lower Bitter Creek, Sunday School Canyon, Dragon Canyon, Wolf Point, Winter Ridge, Seep Canyon, Bitter Creek, Hideout Canyon, Sweetwater Canyon, and Hell's Hole, according to the region map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at

<http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(B) Lower Flaming Gorge, Crouse Canyon Stone Bridge Draw, Diamond Mountain, Wild Mountain, Split Mountain Benches, Vivas Cake Hill, Split Mountain Benches South, Beach Draw, Stuntz Draw, Moonshine Draw, Bourdette Draw, and Bull Canyon, according to the region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xvii) in Washington County: Cougar Canyon, Docs Pass, Slaughter Creek, Butcher Knife Canyon, Square Top, Scarecrow Creek, Beaver Dam Wash, Beaver Dam Mountains North, Beaver Dam Mountains South, Joshua Tree, Beaver Dam Wilderness Expansion, Red Mountain, Cottonwood Canyon, Taylor Canyon, LaVerkin Creek, Beartrap Canyon, Deep Creek, Black Ridge, Red Butte, Kolob Creek, Goose Creek, Dry Creek, Zion National Park Adjacents, Crater Hill, The Watchman, and Canaan Mountain, according to the region map entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at

<http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011, excluding the areas that Congress designated as wilderness and conservation areas under the Omnibus Public Lands Management Act of 2009; and

(xviii) in Wayne County:

(A) Sweetwater Reef, Upper Horseshoe Canyon, and Labyrinth Canyon, according to the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(B) Flat Tops and Dirty Devil, according to the region map entitled "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(C) Fremont Gorge, Pleasant Creek Bench, Notom Bench, Mount Ellen, and Bull Mountain, according to the region map entitled "Henry Mountains" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(D) Capital Reef Adjacents, Muddy Creek, Wild Horse Mesa, North Blue Flats, Red Desert, and Factory Butte, according to the region map entitled "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011.

(b) "Subject lands" also includes all BLM and Forest Service lands in the state that are not Wilderness Area or Wilderness Study Areas;

(c) "Subject lands" does not include the following lands that are the subject of consideration for a possible federal lands bill and should be managed according to the 2008 Price BLM Field Office

Resource Management Plan until a federal lands bill provides otherwise:

- (i) Turtle Canyon and Desolation Canyon according to the region map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;
  - (ii) Labyrinth Canyon, Duma Point, and Horseshoe Point, according to the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and
  - (iii) Devil's Canyon, Sid's Mountain, Mexican Mountain, San Rafael Reef, Hondu Country, Cedar Mountain, and Wild Horse, according to the region map entitled "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;
- (11) "Wilderness area" means those BLM and Forest Service lands added to the National Wilderness Preservation System by an act of Congress.
- (12) "WSA" and "Wilderness Study Area" mean the BLM lands in Utah that were identified as having the necessary wilderness character and were classified as wilderness study areas during the BLM wilderness review conducted between 1976 and 1993 by authority of Section 603 of FLPMA and labeled as Wilderness Study Areas within the final report of the President of the United States to the United States Congress in 1993.

**63J-8-103. State participation in managing public lands.**

In view of the requirement in FLPMA, 43 U.S.C. Sec. 1712, that BLM must work through a planning process that is coordinated with other federal, state, and local planning efforts before making decisions about the present and future uses of public lands, the requirement in FLPMA, 43 U.S.C. Sec. 1714 that BLM may not withdraw or otherwise designate BLM lands for specific purposes without congressional approval, and the requirement in the Forest Service Multiple-Use Sustained Yield Act of 1960, 16 U.S.C. Sec. 528, that lands within the national forests be managed according to the principles of multiple use, and in view of the right which FLPMA, the National Environmental Policy Act, 42 U.S.C. Sec. 4321 et seq. and the Federal Advisory Committee Act, 5 U.S.C. Appendix 2, give to state and local governments to participate in all BLM and Forest Service efforts to plan for the responsible use of BLM and Forest Service lands and the requirement that BLM and the Forest Service coordinate planning efforts with those of state and local government, the state adopts the following policy for the management of the subject lands:

- (1) Pursuant to the proper allocation of governmental authority between the several states and the federal government, the implementation of congressional acts concerning the subject lands must recognize the concurrent jurisdiction of the states and accord full recognition to state interpretation of congressional acts, as reflected in state law, plans, programs, and policies, insofar as the interpretation does not violate the Supremacy Clause, U.S. Constitution, Article VI, Clause 2.
- (2) Differences of opinion between the state's plans and policies on use of the subject lands and any proposed decision concerning the subject lands pursuant to federal planning or other federal decision making processes should be mutually resolved between the authorized federal official, including federal officials from other federal agencies advising the authorized federal official in any capacity, and the governor of Utah.

- (3) The subject lands managed by the BLM are to be managed to the basic standard of the prevention of undue and unnecessary degradation of the lands, as required by FLPMA. A more restrictive management standard should not apply except through duly adopted statutory or regulatory processes wherein each specific area is evaluated pursuant to the provisions of the BLM's planning process and those of the National Environmental Policy Act.
- (4) The subject lands should not be segregated into separate geographical areas for management that resembles the management of wilderness, wilderness study areas, wildlands, lands with wilderness characteristics, or the like.
- (5) The BLM and the Forest Service should make plans for the use of the subject lands and resources subject to their management pursuant to statutorily authorized processes, with due regard for the provisions of the National Environmental Policy Act, by:
  - (a) recognizing that the duly adopted Resource Management Plan or Forest Service equivalent is the fundamental planning document, which may be revised or amended from time to time;
  - (b) avoiding and eliminating any form of guidance or policy that has the effect of prescreening, segregating, or imposing any form of management requirements upon any of the subject lands and resources prior to any of the planning processes subject to Subsection (5)(a); and
  - (c) avoiding and eliminating all forms of planning that parallel or duplicate the planning processes subject to Subsection (5)(a).

**63J-8-104. State land use planning and management program.**

The BLM and Forest Service land use plans should produce planning documents consistent with state and local land use plans to the maximum extent consistent with federal law and FLPMA's purposes, by incorporating the state's land use planning and management program for the subject lands that is as follows:

- (1) preserve traditional multiple use and sustained yield management on the subject lands to:
  - (a) achieve and maintain in perpetuity a high-level annual or regular periodic output of agricultural, mineral, and various other resources from the subject lands;
  - (b) support valid existing transportation, mineral, and grazing privileges in the subject lands at the highest reasonably sustainable levels;
  - (c) produce and maintain the desired vegetation for watersheds, timber, food, fiber, livestock forage, wildlife forage, and minerals that are necessary to meet present needs and future economic growth and community expansion in each county where the subject lands are situated without permanent impairment of the productivity of the land;
  - (d) meet the recreational needs and the personal and business-related transportation needs of the citizens of each county where the subject lands are situated by providing access throughout each such county;
  - (e) meet the needs of wildlife, provided that the respective forage needs of wildlife and livestock are balanced according to the provisions of Subsection [63J-4-401](#)(6)(m);
  - (f) protect against adverse effects to historic properties, as defined by 36 C.F.R. Sec. 800;
  - (g) meet the needs of community economic growth and development;
  - (h) provide for the protection of existing water rights and the reasonable development of additional water rights; and
  - (i) provide for reasonable and responsible development of electrical transmission and energy pipeline infrastructure on the subject lands;
- (2) (a) do not designate, establish, manage, or treat any of the subject lands as an area with

management prescriptions that parallel, duplicate, or resemble the management prescriptions established for wilderness areas or wilderness study areas, including the nonimpairment standard applicable to WSAs or anything that parallels, duplicates, or resembles that nonimpairment standard; and

(b) recognize, follow, and apply the agreement between the state and the Department of the Interior in the settlement agreement;

(3) call upon the BLM to revoke and revise BLM Manuals H 6301, H 6302, and H 6303, issued on or about February 25, 2011, in light of the settlement agreement and the following principles of this state plan:

(a) BLM lacks congressional authority to manage subject lands, other than WSAs, as if they are or may become wilderness;

(b) BLM lacks authority to designate geographic areas as lands with wilderness characteristics or designate management prescriptions for such areas other than to use specific geographic-based tools and prescriptions expressly identified in FLPMA;

(c) BLM lacks authority to manage the subject lands in any manner other than to prevent unnecessary or undue degradation, unless the BLM uses geographic tools expressly identified in FLPMA and does so pursuant to a duly adopted provision of a resource management plan adopted under FLPMA, 43 U.S.C. Sec. 1712;

(d) BLM inventories for the presence of wilderness characteristics must be closely coordinated with inventories for those characteristics conducted by state and local governments, and should reflect a consensus among those governmental agencies about the existence of wilderness characteristics, as follows:

(i) any inventory of wilderness characteristics should reflect all of the criteria identified in the Wilderness Act of 1964, including:

(A) a size of 5,000 acres or more, containing no visible roads; and

(B) the presence of naturalness, the opportunity for primitive and unconfined recreation, and the opportunity for solitude;

(ii) geographic areas found to contain the presence of naturalness must appear pristine to the average viewer, and not contain any of the implements, artifacts, or effects of human presence, including:

(A) visible roads, whether maintained or not; and

(B) human-made features such as vehicle bridges, fire breaks, fisheries, enhancement facilities, fire rings, historic mining and other properties, including tailings piles, commercial radio and communication repeater sites, fencing, spring developments, linear disturbances, stock ponds, visible drill pads, pipeline and transmission line rights-of-way, and other similar features;

(iii) factors, such as the following, though not necessarily conclusive, should weigh against a determination that a land area has the presence of naturalness:

(A) the area is or once was the subject of mining and drilling activities;

(B) mineral and hard rock mining leases exist in the area; and

(C) the area is in a grazing district with active grazing allotments and visible range improvements;

(iv) geographic areas found to contain the presence of solitude should convey the sense of solitude within the entire geographic area identified, otherwise boundary adjustments should be performed in accordance with Subsection (3)(d)(vii);

(v) geographic areas found to contain the presence of an opportunity for primitive and

unconfined recreation must find these features within the entire area and provide analysis about the effect of the number of visitors to the geographic area upon the presence of primitive or unconfined recreation, otherwise boundary adjustments should be performed in accordance with Subsection (3)(d)(vii);

(vi) in addition to the actions required by the review for roads pursuant to the definitions of roads contained in BLM Manual H 6301, or any similar authority, the BLM should, pursuant to its authority to inventory, identify and list all roads or routes identified as part of a local or state governmental transportation system, and consider those routes or roads as qualifying as roads within the definition of the Wilderness Act of 1964; and

(vii) BLM should adjust the boundaries for a geographic area to exclude areas that do not meet the criteria of lacking roads, lacking solitude, and lacking primitive and unconfined recreation and the boundaries should be redrawn to reflect an area that clearly meets the criteria above, and which does not employ minor adjustments to simply exclude small areas with human intrusions, specifically:

(A) the boundaries of a proposed geographic area containing lands with wilderness characteristics should not be drawn around roads, rights-of-way, and intrusions;

(B) lands located between individual human impacts that do not meet the requirements for lands with wilderness characteristics should be excluded;

(e) BLM should consider the responses of the United States Department of the Interior under cover of the letter dated May 20, 2009, clearly stating that BLM does not have the authority to apply the nonimpairment management standard to the subject lands, or to manage the subject lands in any manner to preserve their suitability for designation as wilderness, when considering the proper management principles for areas that meet the full definition of lands with wilderness characteristics; and

(f) even if the BLM were to properly inventory an area for the presence of wilderness characteristics, the BLM still lacks authority to make or alter project level decisions to automatically avoid impairment of any wilderness characteristics without express congressional authority to do so;

(4) achieve and maintain at the highest reasonably sustainable levels a continuing yield of energy, hard rock, and nuclear resources in those subject lands with economically recoverable amounts of such resources as follows:

(a) the development of the solid, fluid, and gaseous mineral resources in portions of the subject lands is an important part of the state's economy and the economies of the respective counties, and should be recognized that it is technically feasible to access mineral and energy resources in portions of the subject lands while preserving or, as necessary, restoring nonmineral and nonenergy resources;

(b) all available, recoverable solid, fluid, gaseous, and nuclear mineral resources in the subject lands should be seriously considered for contribution or potential contribution to the state's economy and the economies of the respective counties;

(c) those portions of the subject lands shown to have reasonable mineral, energy, and nuclear potential should be open to leasing, drilling, and other access with reasonable stipulations and conditions, including mitigation, reclamation, and bonding measures where necessary, that will protect the lands against unnecessary and undue damage to other significant resource values;

(d) federal oil and gas existing lease conditions and restrictions should not be modified, waived, or removed unless the lease conditions or restrictions are no longer necessary or effective;

- (e) any prior existing lease restrictions in the subject lands that are no longer necessary or effective should be modified, waived, or removed;
  - (f) restrictions against surface occupancy should be eliminated, modified, or waived, where reasonable;
  - (g) in the case of surface occupancy restrictions that cannot be reasonably eliminated, modified, or waived, directional drilling should be considered where the mineral and energy resources beneath the area can be reached employing available directional drilling technology;
  - (h) applications for permission to drill in the subject lands that meet standard qualifications, including reasonable and effective mitigation and reclamation requirements, should be expeditiously processed and granted; and
  - (i) any moratorium that may exist against the issuance of qualified mining patents and oil and gas leases in the subject lands, and any barriers that may exist against developing unpatented mining claims and filing for new claims, should be carefully evaluated for removal;
- (5) achieve and maintain livestock grazing in the subject lands at the highest reasonably sustainable levels by adhering to the policies, goals, and management practices set forth in Subsection [63J-4-401](#)(6)(m);
- (6) manage the watershed in the subject lands to achieve and maintain water resources at the highest reasonably sustainable levels as follows:
- (a) adhere to the policies, goals, and management practices set forth in Subsection [63J-4-401](#)(6)(m);
  - (b) deter unauthorized cross-country OHV use in the subject lands by establishing a reasonable system of roads and trails in the subject lands for the use of an OHV, as closing the subject lands to all OHV use will only spur increased and unauthorized use; and
  - (c) keep open any road or trail in the subject lands that historically has been open to OHV use, as identified on respective county road maps;
- (7) achieve and maintain traditional access to outdoor recreational opportunities available in the subject lands as follows:
- (a) hunting, trapping, fishing, hiking, family and group parties, family and group campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering, recreational vehicle parking, or just touring in personal vehicles are activities that are important to the traditions, customs, and character of the state and individual counties where the subject lands are located and should continue;
  - (b) wildlife hunting, trapping, and fishing should continue at levels determined by the Wildlife Board and the Division of Wildlife Resources and traditional levels of group camping, group day use, and other traditional forms of outdoor recreation, both motorized and nonmotorized, should continue; and
  - (c) the broad spectrum of outdoor recreational activities available on the subject lands should be available to citizens for whom a primitive, nonmotorized, outdoor experience is not preferred, affordable, or physically achievable;
- (8) (a) keep open to motorized travel, any road in the subject lands that is part of the respective counties' duly adopted transportation plan;
- (b) provide that R.S. 2477 rights-of-way should be recognized by the BLM;
  - (c) provide that a county road may be temporarily closed or permanently abandoned only by statutorily authorized action of the county or state;
  - (d) provide that the BLM and the Forest Service must recognize and not unduly interfere with a

county's ability to maintain and repair roads and, where reasonably necessary, make improvements to the roads; and

(e) recognize that additional roads and trails may be needed in the subject lands from time to time to facilitate reasonable access to a broad range of resources and opportunities throughout the subject lands, including livestock operations and improvements, solid, fluid, and gaseous mineral operations, recreational opportunities and operations, search and rescue needs, other public safety needs, access to public lands for people with disabilities and the elderly, and access to Utah school and institutional trust lands for the accomplishment of the purposes of those lands;

(9) manage the subject lands so as to protect prehistoric rock art, three dimensional structures, and other artifacts and sites recognized as culturally important and significant by the state historic preservation officer or each respective county by imposing reasonable and effective stipulations and conditions reached by agreement between the federal agency and the state authorized officer pursuant to the authority granted by the National Historic Preservation Act, 16 U.S.C. Sec. 470 et seq.;

(10) manage the subject lands so as to not interfere with the property rights of private landowners as follows:

(a) the state recognizes that there are parcels of private fee land throughout the subject lands;

(b) land management policies and standards in the subject lands should not interfere with the property rights of any private landowner to enjoy and engage in uses and activities on an individual's private property consistent with controlling county zoning and land use laws; and

(c) a private landowner or a guest or client of a private landowner should not be denied the right of motorized access to the private landowner's property consistent with past uses of the private property;

(11) manage the subject lands in a manner that supports the fiduciary agreement made between the state and the federal government concerning the school and institutional trust lands, as managed according to state law, by:

(a) formally recognizing, by duly authorized federal proclamation, the duty of the federal government to support the purposes of the school and institutional trust lands owned by the state and administered by SITLA in trust for the benefit of public schools and other institutions as mandated in the Utah Constitution and the Utah Enabling Act of 1894, 28 Stat. 107;

(b) actively seeking to support SITLA's fiduciary responsibility to manage the school trust lands to optimize revenue by making the school trust lands available for sale and private development and for other multiple and consumptive use activities such as mineral development, grazing, recreation, timber, and agriculture;

(c) not interfering with SITLA's ability to carry out its fiduciary responsibilities by the creation of geographical areas burdened with management restrictions that prohibit or discourage the optimization of revenue, without just compensation;

(d) recognizing SITLA's right of economic access to the school trust lands to enable SITLA to put those sections to use in its fiduciary responsibilities; and

(e) recognizing any management plan enacted by SITLA pursuant to Section [53C-2-201](#);

(12) oppose the designation of BLM lands as areas of critical environmental concern (ACEC), as the BLM lands are generally not compatible with the state's plan and policy for managing the subject lands, but special cases may exist where such a designation is appropriate if compliance with FLPMA, 43 U.S.C. Sec. 1702(a) is clearly demonstrated and where the proposed

designation and protection:

(a) is limited to the geographic size to the minimum necessary to meet the standards required by Section [63J-4-401](#);

(b) is necessary to protect not just a temporary change in ground conditions or visual resources that can be reclaimed or reversed naturally, but is clearly shown as necessary to protect against visible damage on the ground that will persist on a time scale beyond that which would effectively disqualify the land for a later inventory of wilderness characteristics;

(c) will not be applied in a geographic area already protected by other protective designations available pursuant to law; and

(d) is not a substitute for the nonimpairment management requirements of wilderness study areas; and

(13) recognize that a BLM visual resource management class I or II rating is generally not compatible with the state's plan and policy for managing the subject lands, but special cases may exist where such a rating is appropriate if jointly considered and created by state, local, and federal authorities as part of an economic development plan for a region of the state, with due regard for school trust lands and private lands within the area.

(14) All BLM and Forest Service decision documents should be accompanied with an analysis of the social and economic impact of the decision. Such analysis should:

(a) consider all facets of the decision in light of valuation techniques for the potential costs and benefits of the decision;

(b) clarify whether the costs and benefits employ monetized or nonmonetized techniques;

(c) compare the accuracy, completeness, and viability of monetized and nonmonetized valuation techniques used as part of the analysis, including all caveats on use of the techniques; and

(d) compare the valuation techniques employed in the analysis to the federal standards for valuation employed by the U.S. Department of Justice in court actions.

**63J-8-105. Maps available for public review.**

A printed copy of the maps referenced in Subsection [63J-8-102](#)(10) shall be available for inspection by the public at the offices of the Utah Association of Counties.

**63J-8-106. Miscellaneous provisions.**

(1) Notwithstanding the provisions in the previous sections of this chapter, the state believes that some WSAs and other BLM or Forest Service lands may be considered for permanent inclusion in the National Wilderness Preservation System as part of county specific proposals for Congress to consider if driven by a local process that includes all interested stakeholders.

(2) Nothing in the chapter shall be interpreted to alter, affect, or diminish the authority of the governor.

**Appendix B**  
**Planning Duties of the Planning Coordinator and Office**  
**From Title 63J, Chapter 4**  
**Utah Code**  
**Amended by Chapter 121, 2009 General Session**

**63J-4-401. Planning duties of the planning coordinator and office.**

(1) The state planning coordinator shall:

- (a) act as the governor's adviser on state, regional, metropolitan, and local governmental planning matters relating to public improvements and land use;
- (b) counsel with the authorized representatives of the Department of Transportation, the State Building Board, the Department of Health, the Department of Workforce Services, the Labor Commission, the Department of Natural Resources, the School and Institutional Trust Lands Administration, and other proper persons concerning all state planning matters;
- (c) when designated to do so by the governor, receive funds made available to Utah by the federal government;
- (d) receive and review plans of the various state agencies and political subdivisions relating to public improvements and programs;
- (e) when conflicts occur between the plans and proposals of state agencies, prepare specific recommendations for the resolution of the conflicts and submit the recommendations to the governor for a decision resolving the conflict;
- (f) when conflicts occur between the plans and proposals of a state agency and a political subdivision or between two or more political subdivisions, advise these entities of the conflict and make specific recommendations for the resolution of the conflict;
- (g) act as the governor's planning agent in planning public improvements and land use and, in this capacity, undertake special studies and investigations;
- (h) provide information and cooperate with the Legislature or any of its committees in conducting planning studies;
- (i) cooperate and exchange information with federal agencies and local, metropolitan, or regional agencies as necessary to assist with federal, state, regional, metropolitan, and local programs;
- (j) make recommendations to the governor that the planning coordinator considers advisable for the proper development and coordination of plans for state government and political subdivisions; and
- (k) oversee and supervise the activities and duties of the public lands policy coordinator.

(2) The state planning coordinator may:

- (a) perform regional and state planning and assist state government planning agencies in performing state planning;
- (b) provide planning assistance to Indian tribes regarding planning for Indian reservations; and
- (c) assist city, county, metropolitan, and regional planning agencies in performing local, metropolitan, and regional planning, provided that the state planning coordinator and the state planning coordinator's agents and designees recognize and promote the plans, policies, programs, processes, and desired outcomes of each planning agency whenever possible.

(3) When preparing or assisting in the preparation of plans, policies, programs, or processes related to the management or use of federal lands or natural resources on federal lands in Utah, the state planning coordinator shall:

(a) incorporate the plans, policies, programs, processes, and desired outcomes of the counties where the federal lands or natural resources are located, to the maximum extent consistent with state and federal law, provided that this requirement shall not be interpreted to infringe upon the authority of the governor;

(b) identify inconsistencies or conflicts between the plans, policies, programs, processes, and desired outcomes prepared under Subsection (3)(a) and the plans, programs, processes, and desired outcomes of local government as early in the preparation process as possible, and seek resolution of the inconsistencies through meetings or other conflict resolution mechanisms involving the necessary and immediate parties to the inconsistency or conflict;

(c) present to the governor the nature and scope of any inconsistency or other conflict that is not resolved under the procedures in Subsection (3)(b) for the governor's decision about the position of the state concerning the inconsistency or conflict;

(d) develop, research, and use factual information, legal analysis, and statements of desired future condition for the state, or subregion of the state, as necessary to support the plans, policies, programs, processes, and desired outcomes of the state and the counties where the federal lands or natural resources are located;

(e) establish and coordinate agreements between the state and federal land management agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to facilitate state and local participation in the development, revision, and implementation of land use plans, guidelines, regulations, other instructional memoranda, or similar documents proposed or promulgated for lands and natural resources administered by federal agencies; and

(f) work in conjunction with political subdivisions to establish agreements with federal land management agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to provide a process for state and local participation in the preparation of, or coordinated state and local response to, environmental impact analysis documents and similar documents prepared pursuant to law by state or federal agencies.

(4) The state planning coordinator shall comply with the requirements of Subsection [63C-4-102](#)(8) before submitting any comments on a draft environmental impact statement or on an environmental assessment for a proposed land management plan, if the governor would be subject to Subsection [63C-4-102](#)(8) if the governor were submitting the material.

(5) The state planning coordinator shall cooperate with and work in conjunction with appropriate state agencies and political subdivisions to develop policies, plans, programs, processes, and desired outcomes authorized by this section by coordinating the development of positions:

(a) through the Resource Development Coordinating Committee;

(b) in conjunction with local government officials concerning general local government plans;

(c) by soliciting public comment through the Resource Development Coordinating Committee; and

(d) by working with the Public Lands Policy Coordinating Office.

(6) The state planning coordinator shall recognize and promote the following principles when preparing any policies, plans, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands pursuant to this section:

(a) (i) the citizens of the state are best served by applying multiple-use and sustained-yield

principles in public land use planning and management; and

- (ii) multiple-use and sustained-yield management means that federal agencies should develop and implement management plans and make other resource-use decisions that:
  - (A) achieve and maintain in perpetuity a high-level annual or regular periodic output of mineral and various renewable resources from public lands;
  - (B) support valid existing transportation, mineral, and grazing privileges at the highest reasonably sustainable levels;
  - (C) support the specific plans, programs, processes, and policies of state agencies and local governments;
  - (D) are designed to produce and provide the desired vegetation for the watersheds, timber, food, fiber, livestock forage, and wildlife forage, and minerals that are necessary to meet present needs and future economic growth and community expansion without permanent impairment of the productivity of the land;
  - (E) meet the recreational needs and the personal and business-related transportation needs of the citizens of the state by providing access throughout the state;
  - (F) meet the recreational needs of the citizens of the state;
  - (G) meet the needs of wildlife;
  - (H) provide for the preservation of cultural resources, both historical and archaeological;
  - (I) meet the needs of economic development;
  - (J) meet the needs of community development; and
  - (K) provide for the protection of water rights;
- (b) managing public lands for "wilderness characteristics" circumvents the statutory wilderness process and is inconsistent with the multiple-use and sustained-yield management standard that applies to all Bureau of Land Management and U.S. Forest Service lands that are not wilderness areas or wilderness study areas;
- (c) all waters of the state are:
  - (i) owned exclusively by the state in trust for its citizens;
  - (ii) are subject to appropriation for beneficial use; and
  - (iii) are essential to the future prosperity of the state and the quality of life within the state;
- (d) the state has the right to develop and use its entitlement to interstate rivers;
- (e) all water rights desired by the federal government must be obtained through the state water appropriation system;
- (f) land management and resource-use decisions which affect federal lands should give priority to and support the purposes of the compact between the state and the United States related to school and institutional trust lands;
- (g) development of the solid, fluid, and gaseous mineral resources of the state is an important part of the economy of the state, and of local regions within the state;
- (h) the state should foster and support industries that take advantage of the state's outstanding opportunities for outdoor recreation;
- (i) wildlife constitutes an important resource and provides recreational and economic opportunities for the state's citizens;
- (j) proper stewardship of the land and natural resources is necessary to ensure the health of the watersheds, timber, forage, and wildlife resources to provide for a continuous supply of resources for the people of the state and the people of the local communities who depend on these resources for a sustainable economy;

- (k) forests, rangelands, timber, and other vegetative resources:
  - (i) provide forage for livestock;
  - (ii) provide forage and habitat for wildlife;
  - (iii) provide resources for the state's timber and logging industries;
  - (iv) contribute to the state's economic stability and growth; and
  - (v) are important for a wide variety of recreational pursuits;
- (l) management programs and initiatives that improve watersheds, forests, and increase forage for the mutual benefit of wildlife species and livestock, logging, and other agricultural industries by utilizing proven techniques and tools are vital to the state's economy and the quality of life in Utah; and
- (m)
  - (i) land management plans, programs, and initiatives should provide that the amount of domestic livestock forage, expressed in animal unit months, for permitted, active use as well as the wildlife forage included in that amount, be no less than the maximum number of animal unit months sustainable by range conditions in grazing allotments and districts, based on an on-the-ground and scientific analysis;
  - (ii) the state opposes the relinquishment or retirement of grazing animal unit months in favor of conservation, wildlife, and other uses;
  - (iii) (A) the state favors the best management practices that are jointly sponsored by cattlemen's, sportsmen's, and wildlife management groups such as chaining, logging, seeding, burning, and other direct soil and vegetation prescriptions that are demonstrated to restore forest and rangeland health, increase forage, and improve watersheds in grazing districts and allotments for the mutual benefit of domestic livestock and wildlife;
  - (B) when practices described in Subsection (6)(m)(iii)(A) increase a grazing allotment's forage beyond the total permitted forage use that was allocated to that allotment in the last federal land use plan or allotment management plan still in existence as of January 1, 2005, a reasonable and fair portion of the increase in forage beyond the previously allocated total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced committee of livestock and wildlife representatives that is appointed and constituted by the governor for that purpose;
  - (C) the state favors quickly and effectively adjusting wildlife population goals and population census numbers in response to variations in the amount of available forage caused by drought or other climatic adjustments, and state agencies responsible for managing wildlife population goals and population census numbers will give due regard to both the needs of the livestock industry and the need to prevent the decline of species to a point where listing under the terms of the Endangered Species Act when making such adjustments;
  - (iv) the state opposes the transfer of grazing animal unit months to wildlife for supposed reasons of rangeland health;
  - (v) reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions;
  - (vi) policies, plans, programs, initiatives, resource management plans, and forest plans may not allow the placement of grazing animal unit months in a suspended use category unless there is a rational and scientific determination that the condition of the rangeland allotment or district in question will not sustain the animal unit months sought to be placed in suspended use;
  - (vii) any grazing animal unit months that are placed in a suspended use category should be returned to active use when range conditions improve;
  - (viii) policies, plans, programs, and initiatives related to vegetation management should

recognize and uphold the preference for domestic grazing over alternate forage uses in established grazing districts while upholding management practices that optimize and expand

forage for grazing and wildlife in conjunction with state wildlife management plans and programs in order to provide maximum available forage for all uses; and

(ix) in established grazing districts, animal unit months that have been reduced due to rangeland health concerns should be restored to livestock when rangeland conditions improve, and should not be converted to wildlife use.

(7) The state planning coordinator shall recognize and promote the following findings in the preparation of any policies, plans, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands under this section:

(a) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports its recognition by the federal government and the public use of R.S. 2477 rights-of-way and urges the federal government to fully recognize the rights-of-way and their use by the public as expeditiously as possible;

(b) it is the policy of the state to use reasonable administrative and legal measures to protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way are not recognized or are impaired; and

(c) transportation and access routes to and across federal lands, including all rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life in the state, and must provide, at a minimum, a network of roads throughout the resource planning area that provides for:

(i) movement of people, goods, and services across public lands;

(ii) reasonable access to a broad range of resources and opportunities throughout the resource planning area, including:

(A) livestock operations and improvements;

(B) solid, fluid, and gaseous mineral operations;

(C) recreational opportunities and operations, including motorized and nonmotorized recreation;

(D) search and rescue needs;

(E) public safety needs; and

(F) access for transportation of wood products to market;

(iii) access to federal lands for people with disabilities and the elderly; and

(iv) access to state lands and school and institutional trust lands to accomplish the purposes of those lands.

(8) The state planning coordinator shall recognize and promote the following findings in the preparation of any plans, policies, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands pursuant to this section:

(a) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:

(i) it is clearly demonstrated that water is present and flowing at all times;

(ii) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed;

(iii) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans

- and policies of the state and the county or counties where the river segment is located as those plans and policies are developed according to Subsection (3);
- (iv) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
  - (v) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;
  - (vi) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed;
  - (vii) it is clearly demonstrated that the federal agency with management authority over the river segment, and which is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;
  - (viii) it is clearly demonstrated that the terms and conditions of the federal land and resource management plan containing a recommendation for inclusion in the National Wild and Scenic River System:
    - (A) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;
    - (B) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;
    - (C) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and
    - (D) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment;
  - (ix) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or II management prescriptions that do not comply with the provisions of Subsection (8)(t); and
  - (x) it is clearly demonstrated that including the river segment and the terms and conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:
    - (A) the state and its citizens' enjoyment of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or
    - (B) local, state, regional, or interstate water compacts to which the state or any county is a party;
  - (b) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress;
  - (c) the state's support for designation of an Area of Critical Environmental Concern (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be withheld until:

- (i) it is clearly demonstrated that the proposed area satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1702(a);
- (ii) it is clearly demonstrated that the area proposed for designation as an ACEC is limited in geographic size and that the proposed management prescriptions are limited in scope to the minimum necessary to specifically protect and prevent irreparable damage to the relevant and important values identified, or limited in geographic size and management prescriptions to the minimum required to specifically protect human life or safety from natural hazards;
- (iii) it is clearly demonstrated that the proposed area is limited only to areas that are already developed or used or to areas where no development is required;
- (iv) it is clearly demonstrated that the proposed area contains relevant and important historic, cultural or scenic values, fish or wildlife resources, or natural processes which are unique or substantially significant on a regional basis, or contain natural hazards which significantly threaten human life or safety;
- (v) the federal agency has analyzed regional values, resources, processes, or hazards for irreparable damage and its potential causes resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and the analysis describes the rationale for any special management attention required to protect, or prevent irreparable damage to the values, resources, processes, or hazards;
- (vi) it is clearly demonstrated that the proposed designation is consistent with the plans and policies of the state and of the county where the proposed designation is located as those plans and policies are developed according to Subsection (3);
- (vii) it is clearly demonstrated that the proposed ACEC designation will not be applied redundantly over existing protections provided by other state and federal laws for federal lands or resources on federal lands, and that the federal statutory requirement for special management attention for a proposed ACEC will discuss and justify any management requirements needed in addition to those specified by the other state and federal laws;
- (viii) the difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and that any determination of irreparable damage has been analyzed and justified for short and long-term horizons;
- (ix) it is clearly demonstrated that the proposed designation:
  - (A) is not a substitute for a wilderness suitability recommendation;
  - (B) is not a substitute for managing areas inventoried for wilderness characteristics after 1993 under the BLM interim management plan for valid wilderness study areas; and
  - (C) it is not an excuse or justification to apply de facto wilderness management standards; and
- (x) the conclusions of all studies are submitted to the state, as a cooperating agency, for review, and the results, in support of or in opposition to, are included in all planning documents;
- (d) sufficient federal lands are made available for government-to-government exchanges of school and institutional trust lands and federal lands without regard for a resource-to-resource correspondence between the surface or mineral characteristics of the offered trust lands and the offered federal lands;
- (e) federal agencies should support government-to-government exchanges of land with the state based on a fair process of valuation which meets the fiduciary obligations of both the state and federal governments toward trust lands management, and which assures that revenue authorized by federal statute to the state from mineral or timber production, present or future, is not diminished in any manner during valuation, negotiation, or implementation processes;

(f) agricultural and grazing lands should continue to produce the food and fiber needed by the citizens of the state and the nation, and the rural character and open landscape of rural Utah should be preserved through a healthy and active agricultural and grazing industry, consistent with private property rights and state fiduciary duties;

(g) the resources of the forests and rangelands of the state should be integrated as part of viable, robust, and sustainable state and local economies, and available forage should be evaluated for the full complement of herbivores the rangelands can support in a sustainable manner, and forests should contain a diversity of timber species, and disease or insect infestations in forests should be controlled using logging or other best management practices;

(h) the state opposes any additional evaluation of national forest service lands as "roadless" or "unroaded" beyond the forest service's second roadless area review evaluation and opposes efforts by agencies to specially manage those areas in a way that:

(i) closes or declassifies existing roads unless multiple side by side roads exist running to the same destination and state and local governments consent to close or declassify the extra roads;

(ii) permanently bars travel on existing roads;

(iii) excludes or diminishes traditional multiple-use activities, including grazing and proper forest harvesting;

(iv) interferes with the enjoyment and use of valid, existing rights, including water rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral leasing rights; or

(v) prohibits development of additional roads reasonably necessary to pursue traditional multiple-use activities;

(i) the state's support for any forest plan revision or amendment will be withheld until the appropriate plan revision or plan amendment clearly demonstrates that:

(i) established roads are not referred to as unclassified roads or a similar classification;

(ii) lands in the vicinity of established roads are managed under the multiple-use, sustained-yield management standard; and

(iii) no roadless or unroaded evaluations or inventories are recognized or upheld beyond those that were recognized or upheld in the forest service's second roadless area review evaluation;

(j) the state's support for any recommendations made under the statutory requirement to examine the wilderness option during the revision of land and resource management plans by the U.S. Forest Service will be withheld until it is clearly demonstrated that:

(i) the duly adopted transportation plans of the state and county or counties within the planning area are fully and completely incorporated into the baseline inventory of information from which plan provisions are derived;

(ii) valid state or local roads and rights-of-way are recognized and not impaired in any way by the recommendations;

(iii) the development of mineral resources by underground mining is not affected by the recommendations;

(iv) the need for additional administrative or public roads necessary for the full use of the various multiple-uses, including recreation, mineral exploration and development, forest health activities, and grazing operations is not unduly affected by the recommendations;

(v) analysis and full disclosure is made concerning the balance of multiple-use management in the proposed areas, and that the analysis compares the full benefit of multiple-use management

to the recreational, forest health, and economic needs of the state and the counties to the benefits of the requirements of wilderness management; and

(vi) the conclusions of all studies related to the requirement to examine the wilderness option are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals that are forwarded to the United States Congress;

(k) the invasion of noxious weeds and undesirable invasive plant species into the state should be reversed, their presence eliminated, and their return prevented;

(l) management and resource-use decisions by federal land management and regulatory agencies concerning the vegetative resources within the state should reflect serious consideration of the proper optimization of the yield of water within the watersheds of the state;

(m) (i) it is the policy of the state that:

(A) mineral and energy production and environmental protection are not mutually exclusive;

(B) it is technically feasible to permit appropriate access to mineral and energy resources while preserving nonmineral and nonenergy resources;

(C) resource management planning should seriously consider all available mineral and energy resources;

(D) the development of the solid, fluid, and gaseous mineral resources of the state and the renewable resources of the state should be encouraged;

(E) the waste of fluid and gaseous minerals within developed areas should be prohibited; and

(F) requirements to mitigate or reclaim mineral development projects should be based on credible evidence of significant impacts to natural or cultural resources;

(ii) the state's support for mineral development provisions within federal land management plans will be withheld until the appropriate land management plan environmental impact statement clearly demonstrates:

(A) that the authorized planning agency has:

(I) considered and evaluated the mineral and energy potential in all areas of the planning area as if the areas were open to mineral development under standard lease agreements; and

(II) evaluated any management plan prescription for its impact on the area's baseline mineral and energy potential;

(B) that the development provisions do not unduly restrict access to public lands for energy exploration and development;

(C) that the authorized planning agency has supported any closure of additional areas to mineral leasing and development or any increase of acres subject to no surface occupancy restrictions by adhering to:

(I) the relevant provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;

(II) other controlling mineral development laws; and

(III) the controlling withdrawal and reporting procedures set forth in the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;

(D) that the authorized planning agency evaluated whether to repeal any moratorium that may exist on the issuance of additional mining patents and oil and gas leases;

(E) that the authorized planning agency analyzed all proposed mineral lease stipulations and considered adopting the least restrictive necessary to protect against damage to other significant resource values;

- (F) that the authorized planning agency evaluated mineral lease restrictions to determine whether to waive, modify, or make exceptions to the restrictions on the basis that they are no longer necessary or effective;
- (G) that the authorized federal agency analyzed all areas proposed for no surface occupancy restrictions, and that the analysis evaluated:
  - (I) whether directional drilling is economically feasible and ecologically necessary for each proposed no surface occupancy area;
  - (II) whether the directional drilling feasibility analysis, or analysis of other management prescriptions, demonstrates that the proposed no surface occupancy prescription, in effect, sterilizes the mineral and energy resources beneath the area; and
  - (III) whether, if the minerals are effectively sterilized, the area must be reported as withdrawn under the provisions of the Federal Land Policy and Management Act; and
- (H) that the authorized planning agency has evaluated all directional drilling requirements in no surface occupancy areas to determine whether directional drilling is feasible from an economic, ecological, and engineering standpoint;
- (n) motorized, human, and animal-powered outdoor recreation should be integrated into a fair and balanced allocation of resources within the historical and cultural framework of multiple-uses in rural Utah, and outdoor recreation should be supported as part of a balanced plan of state and local economic support and growth;
- (o) off-highway vehicles should be used responsibly, the management of off-highway vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway vehicles should be uniformly applied across all jurisdictions;
- (p) (i) rights-of-way granted and vested under the provisions of R.S. 2477 should be preserved and acknowledged;
- (ii) land use management plans, programs, and initiatives should be consistent with both state and county transportation plans developed according to Subsection (3) in order to provide a network of roads throughout the planning area that provides for:
  - (A) movement of people, goods, and services across public lands;
  - (B) reasonable access to a broad range of resources and opportunities throughout the planning area, including access to livestock, water, and minerals;
  - (C) economic and business needs;
  - (D) public safety;
  - (E) search and rescue;
  - (F) access for people with disabilities and the elderly;
  - (G) access to state lands; and
  - (H) recreational opportunities;
- (q) transportation and access provisions for all other existing routes, roads, and trails across federal, state, and school trust lands within the state should be determined and identified, and agreements should be executed and implemented, as necessary to fully authorize and determine responsibility for maintenance of all routes, roads, and trails;
- (r) the reasonable development of new routes and trails for motorized, human, and animal-powered recreation should be implemented;
- (s) (i) forests, rangelands, and watersheds, in a healthy condition, are necessary and beneficial for wildlife, livestock grazing, and other multiple-uses;
- (ii) management programs and initiatives that are implemented to increase forage for the mutual

benefit of the agricultural industry, livestock operations, and wildlife species should utilize all proven techniques and tools;

(iii) the continued viability of livestock operations and the livestock industry should be supported on the federal lands within the state by management of the lands and forage resources, by the proper optimization of animal unit months for livestock, in accordance with the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. 315 et seq., and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901 et seq.;

(iv) provisions for predator control initiatives or programs under the direction of state and local authorities should be implemented; and

(v) resource-use and management decisions by federal land management and regulatory agencies should support state-sponsored initiatives or programs designed to stabilize wildlife populations that may be experiencing a scientifically demonstrated decline in those populations; and

(t) management and resource use decisions by federal land management and regulatory agencies concerning the scenic resources of the state must balance the protection of scenery with the full management requirements of the other authorized uses of the land under multiple-use management, and should carefully consider using Visual Resource Management Class I protection only for areas of inventoried Class A scenery or equivalent.

(9) Nothing contained in this section may be construed to restrict or supersede the planning powers conferred upon state departments, agencies, instrumentalities, or advisory councils of the state or the planning powers conferred upon political subdivisions by any other existing law.

(10) Nothing in this section may be construed to affect any lands withdrawn from the public domain for military purposes, which are administered by the United States Army, Air Force, or Navy.

**Appendix C**  
**Public Lands Policy Coordinating Office**  
**From Title 63J, Chapter 4**  
**Utah Code**  
**Amended by Chapter 252, 2011 General Session**

**63J-4-601. Definitions.**

As used in this part:

- (1) "Coordinator" means the public lands policy coordinator appointed in this part.
- (2) "Office" means the Public Lands Policy Coordinating Office created by this part.
- (3) "Political subdivision" means a county, municipality, local district, special service district, school district, interlocal cooperation agreement entity, or any administrative subunit of them.
- (4) "State planning coordinator" means the person appointed under Subsection [63J-4-202](#)(1)(a)(ii).

**63J-4-602. Public Lands Policy Coordinating Office -- Coordinator -- Appointment -- Qualifications -- Compensation.**

- (1) There is created within state government the Public Lands Policy Coordinating Office. The office shall be administered by a public lands policy coordinator.
- (2) The coordinator shall be appointed by the governor with the consent of the Senate and shall serve at the pleasure of the governor.
- (3) The coordinator shall have demonstrated the necessary administrative and professional ability through education and experience to efficiently and effectively manage the office's affairs.
- (4) The coordinator and employees of the office shall receive compensation as provided in Title 67, Chapter 19, Utah State Personnel Management Act.

**63J-4-603. Powers and duties of coordinator and office.**

- (1) The coordinator and the office shall:
  - (a) make a report to the Constitutional Defense Council created under Section [63C-4-101](#) concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter 4, Constitutional Defense Council;
  - (b) provide staff assistance to the Constitutional Defense Council created under Section [63C-4-101](#) for meetings of the council and Federalism Subcommittee;
  - (c) (i) prepare and submit a constitutional defense plan under Section [63C-4-104](#); and  
(ii) execute any action assigned in a constitutional defense plan;
  - (d) under the direction of the state planning coordinator, assist in fulfilling the state planning coordinator's duties outlined in Section [63J-4-401](#) as those duties relate to the development of public lands policies by:
    - (i) developing cooperative contracts and agreements between the state, political subdivisions, and agencies of the federal government for involvement in the development of public lands

policies;

- (ii) producing research, documents, maps, studies, analysis, or other information that supports the state's participation in the development of public lands policy;
- (iii) preparing comments to ensure that the positions of the state and political subdivisions are considered in the development of public lands policy;
- (iv) partnering with state agencies and political subdivisions in an effort to:
  - (A) prepare coordinated public lands policies;
  - (B) develop consistency reviews and responses to public lands policies;
  - (C) develop management plans that relate to public lands policies; and
  - (D) develop and maintain a statewide land use plan that is based on cooperation and in conjunction with political subdivisions; and
- (v) providing other information or services related to public lands policies as requested by the state planning coordinator;
- (e) facilitate and coordinate the exchange of information, comments, and recommendations on public lands policies between and among:
  - (i) state agencies;
  - (ii) political subdivisions;
  - (iii) the Office of Rural Development created under Section [63M-1-1602](#);
  - (iv) the Resource Development Coordinating Committee created under Section [63J-4-501](#);
  - (v) School and Institutional Trust Lands Administration created under Section [53C-1-201](#);
  - (vi) the committee created under Section [63F-1-508](#) to award grants to counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
  - (vii) the Constitutional Defense Council created under Section [63C-4-101](#);
- (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9, Chapter 8, Part 4, Historic Sites;
- (g) consistent with other statutory duties, encourage agencies to responsibly preserve archaeological resources;
- (h) maintain information concerning grants made under Subsection (1)(j), if available;
- (i) report annually, or more often if necessary or requested, concerning the office's activities and expenditures to:
  - (i) the Constitutional Defense Council; and
  - (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly with the Constitutional Defense Council;
- (j) make grants of up to 16% of the office's total annual appropriations from the Constitutional Defense Restricted Account to a county or statewide association of counties to be used by the county or association of counties for public lands matters if the coordinator, with the advice of the Constitutional Defense Council, determines that the action provides a state benefit;
- (k) provide staff services to the Snake Valley Aquifer Advisory Council created in Section [63C-12-103](#); and
- (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section [63C-12-107](#).
- (2) The coordinator and office shall comply with Subsection [63C-4-102](#)(8) before submitting a comment to a federal agency, if the governor would be subject to Subsection [63C-4-102](#)(8) if the governor were submitting the material.
- (3) The office may enter into a contract or other agreement with another state agency to provide

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information and services related to:

- (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;
- (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification Act, or R.S. 2477 matters; or
- (c) any other matter within the office's responsibility.

## **Appendix D**

### **Federal Land Policy and Management Act of 1976**

#### **Section 202; Land Use Planning**

#### **LAND USE PLANNING**

Sec. 202. [43 U.S.C. 1712] (a) The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands. Land use plans shall be developed for the public lands regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses.

(b) In the development and revision of land use plans, the Secretary of Agriculture shall coordinate land use plans for lands in the National Forest System with the land use planning and management programs of and for Indian tribes by, among other things, considering the policies of approved tribal land resource management programs.

(c) In the development and revision of land use plans, the Secretary shall—

(1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;

(2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;

(3) give priority to the designation and protection of areas of critical environmental concern;

(4) rely, to the extent it is available, on the inventory of the public lands, their resources, and other values;

(5) consider present and potential uses of the public lands;

(6) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;

(7) weigh long-term benefits to the public against short-term benefits;

(8) provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans; and

(9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended [16 U.S.C. 4601–4 et seq. note], and of or for Indian tribes by, among other things, considering the policies of approved

State and tribal land resource management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.

(d) Any classification of public lands or any land use plan in effect on the date of enactment of this Act is subject to review in the land use planning process conducted under this section, and all public lands, regardless of classification, are subject to inclusion in any land use plan developed pursuant to this section. The Secretary may modify or terminate any such classification consistent with such land use plans.

(e) The Secretary may issue management decisions to implement land use plans developed or revised under this section in accordance with the following:

(1) Such decisions, including but not limited to exclusions (that is, total elimination) of one or more of the principal or major uses made by a management decision shall remain subject to reconsideration, modification, and termination through revision by the Secretary or his delegate, under the provisions of this section, of the land use plan involved. (2) Any management decision or action pursuant to a management decision that excludes (that is, totally eliminates) one or more of the principal or major uses for two or more years with respect to a tract of land of one hundred thousand acres or more shall be reported by the Secretary to the House of Representatives and the Senate. If within ninety days from the giving of such notice (exclusive of days on which either House has adjourned for more than three consecutive days), the Congress adopts a concurrent resolution of nonapproval of the management decision or action, then the management decision or action shall be promptly terminated by the Secretary. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the management decision or action. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same management decision or action. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the

motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(3) Withdrawals made pursuant to section 204 of this Act may be used in carrying out management decisions, but public lands shall be removed from or restored to the operation of the Mining Law of 1872, as amended (R.S. 2318–2352; 30 U.S.C. 21 et seq.) or transferred to another department, bureau, or agency only by withdrawal action pursuant to section 204 or other action pursuant to applicable law: *Provided*, That nothing in this section shall prevent a wholly owned Government corporation from acquiring and holding rights as a citizen under the Mining Law of 1872.

(f) The Secretary shall allow an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands.

## Appendix E

### Kane County, Utah Resource Development Committee Monthly Meeting Topics

| JAN                               | FEB                      | MAR                             | APR                           | MAY                   | JUN                           | JUL             | AUG                            | SEP                       | OCT                    | NOV                           | DEC                 |
|-----------------------------------|--------------------------|---------------------------------|-------------------------------|-----------------------|-------------------------------|-----------------|--------------------------------|---------------------------|------------------------|-------------------------------|---------------------|
| <b>KANAB<br/>FIELD<br/>OFFICE</b> | <b>COUNTY<br/>COORD.</b> | <b>FIRE/<br/>SMOKE<br/>MGT.</b> | <b>WILDLIFE<br/>MGT.</b>      | <b>WATER<br/>MGT.</b> | <b>FOREST<br/>SERVICE</b>     | <b>SITLA</b>    | <b>GLEN<br/>CANYON<br/>NRA</b> | <b>NATIONAL<br/>PARKS</b> | <b>AIR<br/>QUALITY</b> | <b>GRAND<br/>STAIRCASE</b>    | <b>OPEN<br/>MTG</b> |
| <b>Invite:</b>                    | <b>Invite:</b>           | <b>Invite:</b>                  | <b>Invite:</b>                | <b>Invite:</b>        | <b>Invite:</b>                | <b>Invite:</b>  | <b>Invite:</b>                 | <b>Invite:</b>            | <b>Invite:</b>         | <b>Invite:</b>                |                     |
| Field<br>Office<br>Manager        | Land Use<br>Authority    | Color<br>Co.<br>Fire Staff      | State<br>DWR/Cons.<br>Officer | State<br>Engineer     | Forest<br>Sup/Dist.<br>Ranger | SITLA<br>Staff  | NRA<br>Manager/<br>Staff       | Zion/Bryce<br>Staffs      | State DAQ              | Monument<br>Manager/<br>Staff |                     |
| County<br>Comm.                   | County<br>Comm.          | County<br>Comm.                 | County<br>Comm.               | County<br>Comm.       | County<br>Comm.               | County<br>Comm. | County<br>Comm.                | County<br>Comm.           | County<br>Comm.        | County<br>Comm.               |                     |
| GSENM                             |                          | Co. Fire<br>Marshal             | BLM                           | State<br>DWQ          | Comm.<br>Fire<br>Councils     | BLM             | Garfield<br>Co.                |                           | BLM                    | Field Office<br>Manager       |                     |
| SITLA                             |                          | BLM                             | GSENM                         | BLM                   | Co. Fire<br>Marshal           | USFS            |                                |                           | GSENM                  | KCWCD                         |                     |
|                                   |                          | GSENM                           | USFS                          | GSENM                 | KCWCD                         | KCWCD           |                                |                           | USFS                   |                               |                     |
|                                   |                          | USFS                            | NRA                           | USFS                  | SITLA                         |                 |                                |                           | NRA                    |                               |                     |
|                                   |                          | NRA                             | Zion/Bryce                    | NRA                   |                               |                 |                                |                           | Zion/<br>Bryce         |                               |                     |
|                                   |                          | Zion/<br>Bryce                  | SITLA                         | Zion/<br>Bryce        |                               |                 |                                |                           | SITLA                  |                               |                     |
|                                   |                          | State<br>DAQ                    |                               | SITLA                 |                               |                 |                                |                           |                        |                               |                     |

Federal Land Management Coordination Meetings will include the following topics:

| <b>BLM</b>                 | <b>Forest Service</b> | <b>Park Service</b> | <b>Grand Staircase</b>     |
|----------------------------|-----------------------|---------------------|----------------------------|
| ACEC Status                | IRA Status            | Recreation          | Planning                   |
| Cultural Resources         | Motorized Travel      | Vegetation          | Grazing                    |
| Visual Resource Management | Recreation            | Water Quality       | Motorized Travel           |
| Minerals                   | Vegetation            | Planning            | Vegetation                 |
| Recreation                 | Minerals              |                     | VRM                        |
| Vegetation                 | Planning              |                     | Wilderness Characteristics |
| Wilderness Characteristics |                       |                     |                            |