Appendix K
Maps

Map 1 - Future Land Use Map
Map 2 - Administrative Ownership Map
Map 3 - Circulation Map
Map 4 - Planning Districts
Map 5 - RS 2477 Rights of Way Map
Map 6 - Administration Map
Map 7 - Topographic Map
Map 8 - Vegetation Map
Map 9 -Mineral Resources Map
Map 10 - Physiographic Map
Map 11 - Floodplain Map

List of Tables

Table 1 - Estimated Land Ownership in Kane County, Utah 20

Appendix I (i)

Part 5 Site Specific Areas

A. Canaan Mountain Region
B. Moquith Mountain
C. Orderville Canyon/Orderville Gulch
D. Vermillion Cliffs Region
E. Parunuweap Canyon
F. Upper Kanab Creek

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Part 5 Site Specific Areas

A. Canaan Mountain Region
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F. Upper Kanab Creek

Upper Kanab Creek

AMENDMENT TO THE KANE COUNTY GENERAL PLAN TO CLARIFY LONGSTANDING POLICIES FOR THAT GEOGRAPHIC REGION OF KANE COUNTY DESCRIBED BELOW AND HEREINAFTER REFERRED TO AS THE

"UPPER KANAB CREEK REGION."

WHEREAS, Kane County has a general plan adopted pursuant to Utah Code containing policies for the appropriate use of private and public land within the county; and

WHEREAS, Kane County desires to supplement its general plan to clarify long-standing policies specific to certain geographic regions of the county as the need arises; and

WHEREAS, certain amendments have been recommended associated with lands in the Upper Kanab Creek region of the county;

NOW, THEREFORE, IT IS PROPOSED THAT THE KANE COUNTY GENERAL PLAN BE AMENDED BY INSERTING THE FOLLOWING IN THAT PORTION OF THE PLAN THAT DEALS WITH PUBLIC LANDS:

CLARIFICATION OF KANE COUNTY'S ONGOING PLAN FOR MANAGING CERTAIN LANDS IN THE UPPER KANAB CREEK REGION OF THE COUNTY

SECTION 1. Subject Lands.

This plan clarification applies to all areas of land situated in part or all of the following-referenced Township and Range which the United States Bureau of Land Management ("BLM") has purported to identify and evaluate for so-called alleged wilderness characteristics, including all lands which BLM purportedly determined to have wilderness characteristics and all lands which BLM purportedly determined to not have wilderness characteristics, all as set forth in relevant maps which are part of the most recent draft of the BLM Kanab Resource Management Plan.

Upper Kanab Creek, located in parts of:

T40S R7W
T40S R6W
T41S R7W
T41S R6W
T41S R5W
T42S R8W

- Applications for permission to drill that meet standard qualifications, including where appropriate reasonable and effective mitigation and reclamation requirements, should be expeditiously processed and granted.

- Any moratorium or withdrawals that may exist against the issuance of additional mining patents and oil and gas leases in the Upper Kanab Creek Region should be carefully evaluated for removal.

2. Achieve and Maintain Livestock Grazing In The Upper Kanab Creek Region At The Highest Reasonably Sustainable Levels

- Domestic livestock forage in the Upper Kanab Creek Region as expressed in animal unit months and allocated for permitted active use in the RMP, should be no less than the maximum number of animal unit months sustainable by range conditions in grazing districts and allotments in the Upper Kanab Creek Region, based on an on-the-ground and scientific analysis.

- Where once-available grazing forage in the Upper Kanab Creek Region has succeeded to pinion, juniper and other woody vegetation and associated biomass, or to cheat grass and other invasive grasses and vegetation, or where rangeland health in the Upper Kanab Creek Region has suffered for any other reason, a vigorous program of mechanical treatments such as chaining, logging, seeding, lopping, thinning, burning and other mechanical treatments should be applied to remove this woody vegetation and biomass, and/or invasive weeds, and stimulate the return of the native grazing forage to its historic levels for the mutual benefit of livestock, wildlife and other agricultural industries in the Upper Kanab Creek Region.

- Kane County regards the land which comprises the grazing districts and allotments in the Upper Kanab Creek Region as still more valuable for grazing than for any other use which excludes livestock grazing, such as conversion of AUM's to wildlife, wild horses, watersheds or wilderness values. Accordingly, it is Kane County's plan that animal unit months in the Upper Kanab Creek Region not be relinquished or retired in favor of conservation, wildlife and other uses.

- Kane County recognizes that from time to time a bona fide livestock permitee in the Upper Kanab Creek Region, acting in good faith and not to circumvent the intent of the BLM's grazing regulations, may temporarily cease grazing operations without losing his or her permitted AUM's. However, BLM imposed suspensions of use or other reductions in domestic livestock animal unit months in the Upper Kanab Creek Region should be temporary and scientifically based on rangeland conditions.

watershed.

- Accordingly, all trails in the Upper Kanab Creek Region which historically have been open to OHV use should remain open.

- Kane County's watershed protection strategy also calls for reducing the risk of wildfires caused by cheat grass and other invasive species. Such wildfires diminish the watershed through such causes as erosion and dust storms that follow the fire. One of the most inexpensive and effective ways to combat cheat grass and thus protect and enhance the watershed is to allow livestock permitees in the Upper Kanab Creek Region to let their cattle graze off the cheat grass and other invasive weeds during the Spring before those plants mature and cause a fire hazard in the Summer. Accordingly, all restrictions against the spring grazing of cheat grass should be removed.

4. <u>Achieve and Maintain Traditional Access To Outdoor Recreational Opportunities Available in The Upper Kanab Creek Region</u>

- Traditionally, citizens of Kane County and visitors have enjoyed many forms of outdoor recreation in the Upper Kanab Creek Region, such as hunting, fishing, hiking, family and group parties, family and group campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering, parking their RV, or touring in their personal vehicles.

- All trails in the Upper Kanab Creek Region which historically have been open to OHV use should remain open.

- Public land outdoor recreational access in the Upper Kanab Creek Region should not discriminate in favor of one particular mode of recreation to the exclusion of others. Traditionally, outdoor recreational opportunities in the Upper Kanab Creek Region have been open and accessible to working class families, to families with small children, to the ill and persons with disabilities, to the middle aged and elderly, to persons of different cultures for whom a primitive or back country experience may not be the preferred form of recreating. Current use, demographics and area growth support a need for more dispersed and varied recreation opportunities in the Kane County WIA and UWC lands, as opposed to primitive or back country experiences there. All of society should not be forced to participate in a solitude experience or a primitive experience as the one and only mode of outdoor recreation in the Kane County WIA and UWC Lands. The economically disadvantaged and underprivileged who lack the money and ability to take the time off work necessary to get outfitted for a multi-day primitive hike, should not be eliminated from pursuing other forms of recreational opportunities in the Upper Kanab

will consult with the BLM about any required improvements to such roads, reserving the right to request court intervention and relief in the event Kane County and BLM cannot reach an agreement on such proposed improvements after reasonable efforts at consultation.

- Additional roads trails and transportation corridors may be needed in the Upper Kanab Creek Region from time to time to facilitate reasonable access to a broad range of resources and opportunities throughout the Upper Kanab Creek Region, including livestock operations and improvements, solid, fluid and gaseous mineral operations, energy transportation, 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 in the Upper Kanab Creek Region to accomplish the purposes of those lands. Additional access should be provided where a need is demonstrated and can be accomplished while providing required protection to other resources and uses.

6. Manage the Upper Kanab Creek Region So As to Not Interfere With The Property Rights of Private Landowners Located in That Region.

- There are parcels of private fee land located in or around the Upper Kanab Creek Region.

- Land management policies and standards on BLM land in the Upper Kanab Creek Region should not interfere with the property rights of private landowners in the region to enjoy and engage in traditional uses and activities on their private property, consistent with controlling County zoning and land use laws.

- Nor should those landowners and their guests be denied the right of motorized access to their private property consistent with past uses of those private land parcels.

7. Manage the Upper Kanab Creek Region So As to Not Interfere With The Fiduciary Responsibility of the State School and Institutional Trust Lands Administration ("SITLA") With Respect to Trust Lands Located in That Region.

- Located within or nearby the Upper Kanab Creek Region are sections of school and institutional trust lands owned by the State of Utah and administered by SITLA in trust for the benefit of public schools and other institutions ("school trust lands"), as mandated by Utah's Enabling Act and State Constitution.

- As trustee, SITLA has a fiduciary responsibility to manage those school

- The 1999 Utah Wilderness Reinventory shall not be used to manage public lands "as if" they are or may become WSAs. Agreement p. 13 & 4;

- DOI/BLM will not establish, manage "*or otherwise treat*" Post-603 Lands as WSAs or as wilderness pursuant to the Section 202 process absent congressional authorization. Agreement p. 14 & 7;

- DOI/BLM will remove from the proposed revised resource management plans in the Vernal, Price, Richfield, Kanab, Monticello and Moab Districts any and all references or plans to classify or manage Post-603 BLM lands "*as if*" they are or may become WSAs. Agreement p. 14 & 7.

9. <u>Imposing An Area of Critical Environmental Concern ("ACEC") Designation , Including Any ACEC Alternatives Currently Under Consideration in the Kanab Resource Management Plan Revision Process, Would Contradict Kane County's Plan For Managing The Upper Kanab Creek Region</u>

- It is Kane County's policy that no part of the Upper Kanab Creek Region should be designated an ("ACEC") unless it is clearly demonstrated that

  - The proposed ACEC satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1702(a).

  - The proposed 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 values that are objectively shown to be relevant and important or to protect human life or safety from natural hazards.

  - The proposed ACEC is limited only to areas that are already developed or used or to areas where no development is required.

  - The proposed ACEC designation and protection are necessary to protect not just a change in ground conditions or visual resources that can be reclaimed or reversed eventually (like reclaiming a natural gas well site after pumping operations are complete). Rather, the damage must be shown in all respects to be truly *irreparable* and justified on short term and long term horizons.

  - The proposed ACEC designation and protection will not be applied redundantly over existing protections available under FLPMA multiple use sustained yield management, the Wilderness Act,

interstate water compacts to which the State or Kane County is a party.

- 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.

- It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.

- It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, 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.

- The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code § 63-38d-401(8)(a), as well as the criteria of Kane County.

- No river segment in or in or near the Upper Kanab Creek Region meets the above criteria. Hence, no river segment in or near the Upper Kanab Creek Region should be included in the National Wild and Scenic River system.

- As of December 12, 2007, the terms prescribed in any of the alternatives being considered in the proposed revised Kanab RMP for managing proposed wild and scenic river segments in or near the Upper Kanab Creek Region constitute de facto wilderness management by another name. They are incompatible with and would therefore frustrate and defeat the foregoing plans of Kane County for managing the Upper Kanab Creek Region.

11. <u>A Visual Resource Management Class I or II Rating for Any Part of the Upper Kanab Creek Region Would Contradict the State's Public Land Policy and Contradict Kane County's Plan For Managing the Upper Kanab Creek Region</u>

- The objective of BLM Class I Visual Resource Management is not compatible with, and would therefore frustrate and interfere with, Kane County's foregoing plan clarification for the Upper Kanab Creek Region.

- The objective of BLM Class II Visual Resource Management is generally not compatible with, and would therefore frustrate and interfere with,

Parunuweap Canyon

AMENDMENT TO THE KANE COUNTY GENERAL PLAN TO CLARIFY LONGSTANDING POLICIES FOR THAT GEOGRAPHIC REGION OF KANE COUNTY DESCRIBED BELOW AND HEREINAFTER REFERRED TO AS THE

"PARUNUWEAP CANYON REGION."

WHEREAS, Kane County has a general plan adopted pursuant to Utah Code containing policies for the appropriate use of private and public land within the county; and

WHEREAS, Kane County desires to supplement its general plan to clarify long-standing policies specific to certain geographic regions of the county as the need arises; and

WHEREAS, certain amendments have been recommended associated with lands in the Parunuweap Canyon region of the county;

NOW, THEREFORE, IT IS PRPOSED THAT THE KANE COUNTY GENERAL PLAN BE AMENDED BY INSERTING THE FOLLOWING IN THAT PORTION OF THE PLAN THAT DEALS WITH PUBLIC LANDS:

CLARIFICATION OF KANE COUNTY'S ONOING PLAN FOR MANAGING CERTAIN LANDS IN THE PARUNUWEAP CANYON REGION OF THE COUNTY

SECTION 1. Subject Lands.

This plan clarification applies to all areas of land situated in part or all of the following-referenced Township and Range which the United States Bureau of Land Management ("BLM") has purported to identify and evaluate for so-called alleged wilderness characteristics, including all lands which BLM purportedly determined to have wilderness characteristics and all lands which BLM purportedly determined to not have wilderness characteristics, all as set forth in relevant maps which are part of the most recent draft of the BLM Kanab Resource Management Plan.

Parunuweap Canyon, located in parts of:

T41S R9W
T41S R8W
T41S R7W
T42S R9W
T42S R8W
T42S R7W

- Restrictions against surface occupancy should be modified, waived or if necessary removed where it is shown that directional drilling is not ecologically necessary, where directional drilling is not feasible from an economic or engineering standpoint, or where it is shown that directional drilling will in effect sterilize the mineral and energy resources beneath the area.

- Applications for permission to drill that meet standard qualifications, including where appropriate reasonable and effective mitigation and reclamation requirements, should be expeditiously processed and granted.

- Any moratorium or withdrawals that may exist against the issuance of additional mining patents and oil and gas leases in the Parunuweap Canyon Region should be carefully evaluated for removal.

2. <u>Achieve and Maintain Livestock Grazing In The Parunuweap Canyon Region At The Highest Reasonably Sustainable Levels</u>

- Domestic livestock forage in the Parunuweap Canyon Region as expressed in animal unit months and allocated for permitted active use in the RMP, should be no less than the maximum number of animal unit months sustainable by range conditions in grazing districts and allotments in the Parunuweap Canyon Region, based on an on-the-ground and scientific analysis.

- Where once-available grazing forage in the Parunuweap Canyon Region has succeeded to pinion, juniper and other woody vegetation and associated biomass, or to cheat grass and other invasive grasses and vegetation, or where rangeland health in the Parunuweap Canyon Region has suffered for any other reason, a vigorous program of mechanical treatments such as chaining, logging, seeding, lopping, thinning, burning and other mechanical treatments should be applied to remove this woody vegetation and biomass, and/or invasive weeds, and stimulate the return of the native grazing forage to its historic levels for the mutual benefit of livestock, wildlife and other agricultural industries in the Parunuweap Canyon Region.

- Kane County regards the land which comprises the grazing districts and allotments in the Parunuweap Canyon Region as still more valuable for grazing than for any other use which excludes livestock grazing, such as conversion of AUM's to wildlife, wild horses, watersheds or wilderness values. Accordingly, it is Kane County's plan that animal unit months in the Parunuweap Canyon Region not be relinquished or retired in favor of conservation, wildlife and other uses.

- Kane County recognizes that from time to time a bona fide livestock

- Kane County's strategy and plan for protecting the Parunuweap Canyon Region watershed is to deter unauthorized cross-country OHV use in the Parunuweap Canyon Region. The best way to achieve this is to give OHV users a reasonable system of trails in the Parunuweap Canyon Region on which to legitimately operate their OHVs. Closing the Parunuweap Canyon Region to all OHV use will only spur increased unauthorized cross-country OHV use to the detriment of the Parunuweap Canyon Region watershed.

- Accordingly, all trails in the Parunuweap Canyon Region which historically have been open to OHV use should remain open.

- Kane County's watershed protection strategy also calls for reducing the risk of wildfires caused by cheat grass and other invasive species. Such wildfires diminish the watershed through such causes as erosion and dust storms that follow the fire. One of the most inexpensive and effective ways to combat cheat grass and thus protect and enhance the watershed is to allow livestock permitees in the Parunuweap Canyon Region to let their cattle graze off the cheat grass and other invasive weeds during the Spring before those plants mature and cause a fire hazard in the Summer. Accordingly, all restrictions against the spring grazing of cheat grass should be removed.

4. <u>Achieve and Maintain Traditional Access To Outdoor Recreational Opportunities Available in The Parunuweap Canyon Region</u>

- Traditionally, citizens of Kane County and visitors have enjoyed many forms of outdoor recreation in the Parunuweap Canyon Region, such as hunting, fishing, hiking, family and group parties, family and group campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering, parking their RV, or touring in their personal vehicles.

- All trails in the Parunuweap Canyon Region which historically have been open to OHV use should remain open.

- Public land outdoor recreational access in the Parunuweap Canyon Region should not discriminate in favor of one particular mode of recreation to the exclusion of others. Traditionally, outdoor recreational opportunities in the Parunuweap Canyon Region have been open and accessible to working class families, to families with small children, to the ill and persons with disabilities, to the middle aged and elderly, to persons of different cultures for whom a primitive or back country experience may not be the preferred form of recreating. Current use, demographics and area growth support a need for more dispersed and varied recreation

public roads and trails in the Parunuweap Canyon Region is considered to be part of Kane County's plan specifically applicable to the Parunuweap Canyon Region. Those roads should remain open to public travel. In addition, all roads administered by the BLM should remain open to public use, and any attempt to close those roads should be subject to the NEPA process.

- Kane County plans to keep all such roads in the Parunuweap Canyon Region open and reasonably maintained and in good repair. Kane County will consult with the BLM about any required improvements to such roads, reserving the right to request court intervention and relief in the event Kane County and BLM cannot reach an agreement on such proposed improvements after reasonable efforts at consultation.

- Additional roads trails and transportation corridors may be needed in the Parunuweap Canyon Region from time to time to facilitate reasonable access to a broad range of resources and opportunities throughout the Parunuweap Canyon Region, including livestock operations and improvements, solid, fluid and gaseous mineral operations, energy transportation, 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 in the Parunuweap Canyon Region to accomplish the purposes of those lands. Additional access should be provided where a need is demonstrated and can be accomplished while providing required protection to other resources and uses.

6. <u>Manage the Parunuweap Canyon Region So As to Not Interfere With The Property Rights of Private Landowners Located in That Region</u>.

- There are parcels of private fee land located in or around the Parunuweap Canyon Region.

- Land management policies and standards on BLM land in the Parunuweap Canyon Region should not interfere with the property rights of private landowners in the region to enjoy and engage in traditional uses and activities on their private property, consistent with controlling County zoning and land use laws.

- Nor should those landowners and their guests be denied the right of motorized access to their private property consistent with past uses of those private land parcels.

- Managing Post-603 Lands[2] pursuant to the Interim Management Policy of 1979 ("IMP") is inconsistent with BLM authority. Agreement p. 6 & 13.a;

- Managing Post-603 Lands to preserve their alleged wilderness character strays from the multiple use mandate in a manner inconsistent with FLPMA § Section 603 limited delegation of authority. Agreement p. 9 & 17;

- The 1999 Utah Wilderness Reinventory shall not be used to manage public lands "as if" they are or may become WSAs. Agreement p. 13 & 4;

- DOI/BLM will not establish, manage "*or otherwise treat*" Post-603 Lands as WSAs or as wilderness pursuant to the Section 202 process absent congressional authorization. Agreement p. 14 & 7;

- DOI/BLM will remove from the proposed revised resource management plans in the Vernal, Price, Richfield, Kanab, Monticello and Moab Districts any and all references or plans to classify or manage Post-603 BLM lands "*as if*" they are or may become WSAs. Agreement p. 14 & 7.

9. <u>Imposing An Area of Critical Environmental Concern ("ACEC") Designation, Including Any ACEC Alternatives Currently Under Consideration in the Kanab Resource Management Plan Revision Process, Would Contradict Kane County's Plan For Managing The Parunuweap Canyon Region</u>

- It is Kane County's policy that no part of the Parunuweap Canyon Region should be designated an ("ACEC") unless it is clearly demonstrated that

  - The proposed ACEC satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1702(a).

  - The proposed 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 values that are objectively shown to be relevant and important or to protect human life or safety from natural hazards.

  - The proposed ACEC is limited only to areas that are already developed or used or to areas where no development is required.

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[2] As that term is defined in the *Utah v. Norton* settlement agreement of April 11, 2003.

justification for the conclusion are disclosed.

- BLM fully disclaims in writing any interest in water rights with respect to the subject segment.

- It is clearly demonstrated that including the segment in the NWSR system will not prevent, reduce, impair, or otherwise interfere with the state and its citizen's enjoyment of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or Kane County is a party.

- 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.

- It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.

- It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, 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.

- The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code § 63-38d-401(8)(a), as well as the criteria of Kane County.

- Neither the so-called Meadow Creek/Mineral Gulch segment, the so-called East Fork Virgin River segment, nor any other river segment in or in or near the Parunuweap Canyon Region meets the above criteria. Hence, no river segment in or near the Parunuweap Canyon Region, including the so-called Meadow Creek/Mineral Gulch segment and the so-called East Fork Virgin River segment, should be included in the National Wild and Scenic River system.

- As of December 12, 2007, the terms prescribed in any of the alternatives being considered in the proposed revised Kanab RMP for managing proposed wild and scenic river segments in or near the Parunuweap Canyon Region, including the so-called Meadow Creek/Mineral Gulch segment and the so-called East Fork Virgin River segment, constitute de

Vermilion Cliffs

AMENDMENT TO THE KANE COUNTY GENERAL PLAN TO CLARIFY LONGSTANDING POLICIES FOR THAT GEOGRAPHIC REGION OF KANE COUNTY DESCRIBED BELOW AND HEREINAFTER REFERRED TO AS THE

"VERMILION CLIFFS REGION."

WHEREAS, Kane County has a general plan adopted pursuant to Utah Code containing policies for the appropriate use of private and public land within the county; and

WHEREAS, Kane County desires to supplement its general plan to clarify long-standing policies specific to certain geographic regions of the county as the need arises; and

WHEREAS, certain amendments have been recommended associated with lands in the Vermilion Cliffs region of the county;

NOW, THEREFORE, IT IS PROPOSED THAT THE KANE COUNTY GENERAL PLAN BE AMENDED BY INSERTING THE FOLLOWING IN THAT PORTION OF THE PLAN THAT DEALS WITH PUBLIC LANDS:

CLARIFICATION OF KANE COUNTY'S ONGOING PLAN FOR MANAGING CERTAIN LANDS IN THE VERMILION CLIFFS REGION OF THE COUNTY

SECTION 1. Subject Lands.

This plan clarification applies to all areas of land situated in part or all of the following-referenced Township and Range which the United States Bureau of Land Management ("BLM") has purported to identify and evaluate for so-called alleged wilderness characteristics, including all lands which BLM purportedly determined to have wilderness characteristics and all lands which BLM purportedly determined to not have wilderness characteristics, all as set forth in relevant maps which are part of the most recent draft of the BLM Kanab Resource Management Plan.

Vermilion Cliffs, located in parts of:

T42S R6W
T42S R5W
T43S R6W
T43S R5W

- Any moratorium or withdrawals that may exist against the issuance of additional mining patents and oil and gas leases in the Vermilion Cliffs Region should be carefully evaluated for removal.

2. Achieve and Maintain Livestock Grazing In The Vermilion Cliffs Region At The Highest Reasonably Sustainable Levels

- Domestic livestock forage in the Vermilion Cliffs Region as expressed in animal unit months and allocated for permitted active use in the RMP, should be no less than the maximum number of animal unit months sustainable by range conditions in grazing districts and allotments in the Vermilion Cliffs Region, based on an on-the-ground and scientific analysis.

- Where once-available grazing forage in the Vermilion Cliffs Region has succeeded to pinion, juniper and other woody vegetation and associated biomass, or to cheat grass and other invasive grasses and vegetation, or where rangeland health in the Vermilion Cliffs Region has suffered for any other reason, a vigorous program of mechanical treatments such as chaining, logging, seeding, lopping, thinning, burning and other mechanical treatments should be applied to remove this woody vegetation and biomass, and/or invasive weeds, and stimulate the return of the native grazing forage to its historic levels for the mutual benefit of livestock, wildlife and other agricultural industries in the Vermilion Cliffs Region.

- Kane County regards the land which comprises the grazing districts and allotments in the Vermilion Cliffs Region as still more valuable for grazing than for any other use which excludes livestock grazing, such as conversion of AUM's to wildlife, wild horses, watersheds or wilderness values. Accordingly, it is Kane County's plan that animal unit months in the Vermilion Cliffs Region not be relinquished or retired in favor of conservation, wildlife and other uses.

- Kane County recognizes that from time to time a bona fide livestock permitee in the Vermilion Cliffs Region, acting in good faith and not to circumvent the intent of the BLM's grazing regulations, may temporarily cease grazing operations without losing his or her permitted AUM's. However, BLM imposed suspensions of use or other reductions in domestic livestock animal unit months in the Vermilion Cliffs Region should be temporary and scientifically based on rangeland conditions.

- The transfer of grazing animal unit months ("AUMs") to wildlife for supposed reasons of rangeland health is opposed by Kane County as illogical. There is already imputed in each AUM a reasonable amount of forage for the wildlife component.

- Kane County's watershed protection strategy also calls for reducing the risk of wildfires caused by cheat grass and other invasive species. Such wildfires diminish the watershed through such causes as erosion and dust storms that follow the fire. One of the most inexpensive and effective ways to combat cheat grass and thus protect and enhance the watershed is to allow livestock permitees in the Vermilion Cliffs Region to let their cattle graze off the cheat grass and other invasive weeds during the Spring before those plants mature and cause a fire hazard in the Summer. Accordingly, all restrictions against the spring grazing of cheat grass should be removed.

4. Achieve and Maintain Traditional Access To Outdoor Recreational Opportunities Available in The Vermilion Cliffs Region

- Traditionally, citizens of Kane County and visitors have enjoyed many forms of outdoor recreation in the Vermilion Cliffs Region, such as hunting, fishing, hiking, family and group parties, family and group campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering, parking their RV, or touring in their personal vehicles.

- All trails in the Vermilion Cliffs Region which historically have been open to OHV use should remain open.

- Public land outdoor recreational access in the Vermilion Cliffs Region should not discriminate in favor of one particular mode of recreation to the exclusion of others. Traditionally, outdoor recreational opportunities in the Vermilion Cliffs Region have been open and accessible to working class families, to families with small children, to the ill and persons with disabilities, to the middle aged and elderly, to persons of different cultures for whom a primitive or back country experience may not be the preferred form of recreating. Current use, demographics and area growth support a need for more dispersed and varied recreation opportunities in the Kane County WIA and UWC lands, as opposed to primitive or back country experiences there. All of society should not be forced to participate in a solitude experience or a primitive experience as the one and only mode of outdoor recreation in the Kane County WIA and UWC Lands. The economically disadvantaged and underprivileged who lack the money and ability to take the time off work necessary to get outfitted for a multi-day primitive hike, should not be eliminated from pursuing other forms of recreational opportunities in the Vermilion Cliffs Region.

- Any segment of society, for that matter, who wants to recreate in the Vermilion Cliffs Region are entitled to motorized access to traditional recreation uses and additional access where needed.

Vermilion Cliffs Region from time to time to facilitate reasonable access to a broad range of resources and opportunities throughout the Vermilion Cliffs Region, including livestock operations and improvements, solid, fluid and gaseous mineral operations, energy transportation, 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 in the Vermilion Cliffs Region to accomplish the purposes of those lands. Additional access should be provided where a need is demonstrated and can be accomplished while providing required protection to other resources and uses.

6. Manage the Vermilion Cliffs Region So As to Not Interfere With The Property Rights of Private Landowners Located in That Region.

- There are parcels of private fee land located in or around the Vermilion Cliffs Region.

- Land management policies and standards on BLM land in the Vermilion Cliffs Region should not interfere with the property rights of private landowners in the region to enjoy and engage in traditional uses and activities on their private property, consistent with controlling County zoning and land use laws.

- Nor should those landowners and their guests be denied the right of motorized access to their private property consistent with past uses of those private land parcels.

7. Manage the Vermilion Cliffs Region So As to Not Interfere With The Fiduciary Responsibility of the State School and Institutional Trust Lands Administration ("SITLA") With Respect to Trust Lands Located in That Region.

- Located within or nearby the Vermilion Cliffs Region are sections of school and institutional trust lands owned by the State of Utah and administered by SITLA in trust for the benefit of public schools and other institutions ("school trust lands"), as mandated by Utah's Enabling Act and State Constitution.

- As trustee, SITLA has a fiduciary responsibility to manage those school trust lands to generate maximum revenue therefrom, by making them available for sale and private development, and for other multiple use consumptive activities such as mineral development, grazing, recreation, timber, agriculture and the like, all for the financial benefit of Utah's public schools and other institutional beneficiaries.

Lands as WSAs or as wilderness pursuant to the Section 202 process absent congressional authorization. Agreement p. 14 & 7;

- DOI/BLM will remove from the proposed revised resource management plans in the Vernal, Price, Richfield, Kanab, Monticello and Moab Districts any and all references or plans to classify or manage Post-603 BLM lands "*as if*" they are or may become WSAs. Agreement p. 14 & 7.

9. Imposing An Area of Critical Environmental Concern ("ACEC") Designation, Including Any ACEC Alternatives Currently Under Consideration in the Kanab Resource Management Plan Revision Process, Would Contradict Kane County's Plan For Managing The Vermilion Cliffs Region

- It is Kane County's policy that no part of the Vermilion Cliffs Region should be designated an ("ACEC") unless it is clearly demonstrated that

  - The proposed ACEC satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1702(a).

  - The proposed 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 values that are objectively shown to be relevant and important or to protect human life or safety from natural hazards.

  - The proposed ACEC is limited only to areas that are already developed or used or to areas where no development is required.

  - The proposed ACEC designation and protection are necessary to protect not just a change in ground conditions or visual resources that can be reclaimed or reversed eventually (like reclaiming a natural gas well site after pumping operations are complete). Rather, the damage must be shown in all respects to be truly *irreparable* and justified on short term and long term horizons.

  - The proposed ACEC designation and protection will not be applied redundantly over existing protections available under FLPMA multiple use sustained yield management, the Wilderness Act, threatened and endangered species designations or any other special designation or law..

  - The proposed ACEC designation is not a substitute for a wilderness suitability determination, nor is it offered as a means to manage a non WSA for so-called wilderness characteristics.

- It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.

- It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, 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.

- The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code § 63-38d-401(8)(a), as well as the criteria of Kane County.

- No river segment in or in or near the Vermilion Cliffs Region meets the above criteria. Hence, no river segment in or near the Vermilion Cliffs Region should be included in the National Wild and Scenic River system.

- As of December 12, 2007, the terms prescribed in any of the alternatives being considered in the proposed revised Kanab RMP for managing proposed wild and scenic river segments in or near the Vermilioin Cliffs Region constitute de facto wilderness management by another name. They are incompatible with and would therefore frustrate and defeat the foregoing plans of Kane County for managing the Vermilion Cliffs Region.

11. <u>A Visual Resource Management Class I or II Rating for Any Part of the Vermilion Cliffs Region Would Contradict the State's Public Land Policy and Contradict Kane County's Plan For Managing the Vermilion Cliffs Region</u>

- The objective of BLM Class I Visual Resource Management is not compatible with, and would therefore frustrate and interfere with, Kane County's foregoing plan clarification for the Vermilion Cliffs Region.

- The objective of BLM Class II Visual Resource Management is generally not compatible with, and would therefore frustrate and interfere with, Kane County's foregoing plan clarification for the Vermilion Cliffs Region.

- Kane County's foregoing plan clarification for the Vermilion Cliffs Region is generally consistent with either Class III or Class IV, depending on the precise area.

AMENDMENT TO THE KANE COUNTY GENERAL PLAN TO CLARIFY LONGSTANDING POLICIES FOR THAT GEOGRAPHIC REGION OF KANE COUNTY DESCRIBED BELOW AND HEREINAFTER REFERRED TO AS THE

"ORDERVILLE CANYON/ORDERVILLE GULCH REGION."

WHEREAS, Kane County has a general plan adopted pursuant to Utah Code containing policies for the appropriate use of private and public land within the county; and

WHEREAS, Kane County desires to supplement its general plan to clarify long-standing policies specific to certain geographic regions of the county as the need arises; and

WHEREAS, certain amendments have been recommended associated with lands in the Orderville Canyon/Orderville Gulch region of the county;

NOW, THEREFORE, IT IS PROPOSED THAT THE KANE COUNTY GENERAL PLAN BE AMENDED BY INSERTING THE FOLLOWING IN THAT PORTION OF THE PLAN THAT DEALS WITH PUBLIC LANDS:

CLARIFICATION OF KANE COUNTY'S ONGOING PLAN FOR MANAGING CERTAIN LANDS IN THE ORDERVILLE CANYON/ORDERVILLE GULCH REGION OF THE COUNTY

SECTION 1. Subject Lands.

This plan clarification applies to all areas of land situated in part or all of the following-referenced Township and Range which the United States Bureau of Land Management ("BLM") has purported to identify and evaluate for so-called alleged wilderness characteristics, including all lands which BLM purportedly determined to have wilderness characteristics and all lands which BLM purportedly determined to not have wilderness characteristics, all as set forth in relevant maps which are part of the most recent draft of the BLM Kanab Resource Management Plan.

Orderville Canyon/Orderville Gulch, located in parts of:

T39S R9W
T40S R9W[1]

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[1] Portions of the following FLPMA Section 603 Wilderness Study Areas ("WSAs") are located in the above-referenced townships and ranges within the borders of Kane County: North Fork Virgin River WSA and Orderville Canyon WSA. The fact that this planning document addresses only areas outside those WSAs does not imply that

economic or engineering standpoint, or where it is shown that directional drilling will in effect sterilize the mineral and energy resources beneath the area.

- Applications for permission to drill that meet standard qualifications, including where appropriate reasonable and effective mitigation and reclamation requirements, should be expeditiously processed and granted.

- Any moratorium or withdrawals that may exist against the issuance of additional mining patents and oil and gas leases in the Orderville Canyon/Orderville Gulch Region should be carefully evaluated for removal.

2. Achieve and Maintain Livestock Grazing In The Orderville Canyon/Orderville Gulch Region At The Highest Reasonably Sustainable Levels

- Domestic livestock forage in the Orderville Canyon/Orderville Gulch Region as expressed in animal unit months and allocated for permitted active use in the RMP, should be no less than the maximum number of animal unit months sustainable by range conditions in grazing districts and allotments in the Orderville Canyon/Orderville Gulch Region, based on an on-the-ground and scientific analysis.

- Where once-available grazing forage in the Orderville Canyon/Orderville Gulch Region has succeeded to pinion, juniper and other woody vegetation and associated biomass, or to cheat grass and other invasive grasses and vegetation, or where rangeland health in the Orderville Canyon/Orderville Gulch Region has suffered for any other reason, a vigorous program of mechanical treatments such as chaining, logging, seeding, lopping, thinning, burning and other mechanical treatments should be applied to remove this woody vegetation and biomass, and/or invasive weeds, and stimulate the return of the native grazing forage to its historic levels for the mutual benefit of livestock, wildlife and other agricultural industries in the Orderville Canyon/Orderville Gulch Region.

- Kane County regards the land which comprises the grazing districts and allotments in the Orderville Canyon/Orderville Gulch Region as still more valuable for grazing than for any other use which excludes livestock grazing, such as conversion of AUM's to wildlife, wild horses, watersheds or wilderness values. Accordingly, it is Kane County's plan that animal unit months in the Orderville Canyon/Orderville Gulch Region not be relinquished or retired in favor of conservation, wildlife and other uses.

- Kane County recognizes that from time to time a bona fide livestock permitee in the Orderville Canyon/Orderville Gulch Region, acting in good faith and not to circumvent the intent of the BLM's grazing

- Kane County's strategy and plan for protecting the Orderville Canyon/Orderville Gulch Region watershed is to deter unauthorized cross-country OHV use in the Orderville Canyon/Orderville Gulch Region. The best way to achieve this is to give OHV users a reasonable system of trails in the Orderville Canyon/Orderville Gulch Region on which to legitimately operate their OHVs. Closing the Orderville Canyon/Orderville Gulch Region to all OHV use will only spur increased unauthorized cross-country OHV use to the detriment of the Orderville Canyon/Orderville Gulch Region watershed.

- Accordingly, all trails in the Orderville Canyon/Orderville Gulch Region which historically have been open to OHV use should remain open.

- Kane County's watershed protection strategy also calls for reducing the risk of wildfires caused by cheat grass and other invasive species. Such wildfires diminish the watershed through such causes as erosion and dust storms that follow the fire. One of the most inexpensive and effective ways to combat cheat grass and thus protect and enhance the watershed is to allow livestock permitees in the Orderville Canyon/Orderville Gulch Region to let their cattle graze off the cheat grass and other invasive weeds during the Spring before those plants mature and cause a fire hazard in the Summer. Accordingly, all restrictions against the spring grazing of cheat grass should be removed.

4. <u>Achieve and Maintain Traditional Access To Outdoor Recreational Opportunities Available in The Orderville Canyon/Orderville Gulch Region</u>

- Traditionally, citizens of Kane County and visitors have enjoyed many forms of outdoor recreation in the Orderville Canyon/Orderville Gulch Region, such as hunting, fishing, hiking, family and group parties, family and group campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering, parking their RV, or touring in their personal vehicles.

- All trails in the Orderville Canyon/Orderville Gulch Region which historically have been open to OHV use should remain open.

Comment [COMMENT1]: DA 649425536Moved here from water

- Public land outdoor recreational access in the Orderville Canyon/Orderville Gulch Region should not discriminate in favor of one particular mode of recreation to the exclusion of others. Traditionally, outdoor recreational opportunities in the Orderville Canyon/Orderville Gulch Region have been open and accessible to working class families, to families with small children, to the ill and persons with disabilities, to the middle aged and elderly, to persons of different cultures for whom a primitive or back country experience may not be the preferred form of

- That portion of Kane County's official transportation map which shows all public roads and trails in the Orderville Canyon/Orderville Gulch Region is considered to be part of Kane County's plan specifically applicable to the Orderville Canyon/Orderville Gulch Region. Those roads should remain open to public travel. In addition, all roads administered by the BLM should remain open to public use, and any attempt to close those roads should be subject to the NEPA process.

- Kane County plans to keep all such roads in the Orderville Canyon/Orderville Gulch Region open and reasonably maintained and in good repair. Kane County will consult with the BLM about any required improvements to such roads, reserving the right to request court intervention and relief in the event Kane County and BLM cannot reach an agreement on such proposed improvements after reasonable efforts at consultation.

- Additional roads trails and transportation corridors may be needed in the Orderville Canyon/Orderville Gulch Region from time to time to facilitate reasonable access to a broad range of resources and opportunities throughout the Orderville Canyon/Orderville Gulch Region, including livestock operations and improvements, solid, fluid and gaseous mineral operations, energy transportation, 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 in the Orderville Canyon/Orderville Gulch Region to accomplish the purposes of those lands. Additional access should be provided where a need is demonstrated and can be accomplished while providing required protection to other resources and uses.

6. Manage the Orderville Canyon/Orderville Gulch Region So As to Not Interfere With The Property Rights of Private Landowners Located in That Region.

- There are parcels of private fee land located in or around the Orderville Canyon/Orderville Gulch Region.

- Land management policies and standards on BLM land in the Orderville Canyon/Orderville Gulch Region should not interfere with the property rights of private landowners in the region to enjoy and engage in traditional uses and activities on their private property, consistent with controlling County zoning and land use laws.

- Nor should those landowners and their guests be denied the right of motorized access to their private property consistent with past uses of those private land parcels.

Orderville Canyon/Orderville Gulch Region also violates FLPMA and the 2003 Settlement Agreement between Utah and Department of Interior.

- Managing Post-603 Lands[2] pursuant to the Interim Management Policy of 1979 ("IMP") is inconsistent with BLM authority. Agreement p. 6 & 13.a;

- Managing Post-603 Lands to preserve their alleged wilderness character strays from the multiple use mandate in a manner inconsistent with FLPMA § Section 603 limited delegation of authority. Agreement p. 9 & 17;

- The 1999 Utah Wilderness Reinventory shall not be used to manage public lands "as if" they are or may become WSAs. Agreement p. 13 & 4;

- DOI/BLM will not establish, manage "*or otherwise treat*" Post-603 Lands as WSAs or as wilderness pursuant to the Section 202 process absent congressional authorization. Agreement p. 14 & 7;

- DOI/BLM will remove from the proposed revised resource management plans in the Vernal, Price, Richfield, Kanab, Monticello and Moab Districts any and all references or plans to classify or manage Post-603 BLM lands "*as if*" they are or may become WSAs. Agreement p. 14 & 7.

9. Imposing An Area of Critical Environmental Concern ("ACEC") Designation , Including Any ACEC Alternatives Currently Under Consideration in the Kanab Resource Management Plan Revision Process, Would Contradict Kane County's Plan For Managing The Orderville Canyon/Orderville Gulch Region

- It is Kane County's policy that no part of the Orderville Canyon/Orderville Gulch Region should be designated an ("ACEC") unless it is clearly demonstrated that

  - The proposed ACEC satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1702(a).

  - The proposed 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 values that are objectively shown to be relevant and

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[2] As that term is defined in the *Utah v. Norton* settlement agreement of April 11, 2003.

- The water-related value is considered outstandingly remarkable within a region of comparison consisting of one of three physiographic provinces of the state, and that the rationale and justification for the conclusion are disclosed.

- BLM fully disclaims in writing any interest in water rights with respect to the subject segment.

- It is clearly demonstrated that including the segment in the NWSR system will not prevent, reduce, impair, or otherwise interfere with the state and its citizen's enjoyment of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or Kane County is a party.

- 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.

- It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.

- It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, 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.

- The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code § 63-38d-401(8)(a), as well as the criteria of Kane County.

- Neither the so-called Deep Creek segment, the so-called North Fork Virgin River segment, the so-called Order/Esplin Gulch segment, nor any other river segment in or in or near the Orderville Canyon/Orderville Gulch Region meets the above criteria. Hence, no river segment in or near the Orderville Canyon/Orderville Gulch Region, including the so-called Deep Creek segment, the so-called North Fork Virgin River segment, and the so-called Order/Esplin Gulch segment, should be included in the National Wild and Scenic River system.

- As of December 12, 2007, the terms prescribed in any of the alternatives

Moquith Mountain

AMENDMENT TO THE KANE COUNTY GENERAL PLAN TO CLARIFY LONGSTANDING POLICIES FOR THAT GEOGRAPHIC REGION OF KANE COUNTY DESCRIBED BELOW AND HEREINAFTER REFERRED TO AS THE

"MOQUITH MOUNTAIN REGION."

WHEREAS, Kane County has a general plan adopted pursuant to Utah Code containing policies for the appropriate use of private and public land within the county; and

WHEREAS, Kane County desires to supplement its general plan to clarify long-standing policies specific to certain geographic regions of the county as the need arises; and

WHEREAS, certain amendments have been recommended associated with lands in the Moquith Mountain region of the county;

NOW, THEREFORE, IT IS PROPOSED THAT THE KANE COUNTY GENERAL PLAN BE AMENDED BY INSERTING THE FOLLOWING IN THAT PORTION OF THE PLAN THAT DEALS WITH PUBLIC LANDS:

CLARIFICATION OF KANE COUNTY'S ONGOING PLAN FOR MANAGING CERTAIN LANDS IN THE MOQUITH MOUNTAIN REGION OF THE COUNTY

SECTION 1. Subject Lands.

This plan clarification applies to all areas of land situated in part or all of the following-referenced Township and Range which the United States Bureau of Land Management ("BLM") has purported to identify and evaluate for so-called alleged wilderness characteristics, including all lands which BLM purportedly determined to have wilderness characteristics and all lands which BLM purportedly determined to not have wilderness characteristics, all as set forth in relevant maps which are part of the most recent draft of the BLM Kanab Resource Management Plan.

Moquith Mountain, located in parts of:

T42S R7W
T43S R7W
T43S R6W
T44S R7W

necessary removed where it is shown that directional drilling is not ecologically necessary, where directional drilling is not feasible from an economic or engineering standpoint, or where it is shown that directional drilling will in effect sterilize the mineral and energy resources beneath the area.

- Applications for permission to drill that meet standard qualifications, including where appropriate reasonable and effective mitigation and reclamation requirements, should be expeditiously processed and granted.

- Any moratorium or withdrawals that may exist against the issuance of additional mining patents and oil and gas leases in the Moquith Mountain Region should be carefully evaluated for removal.

2. Achieve and Maintain Livestock Grazing In The Moquith Mountain Region At The Highest Reasonably Sustainable Levels

- Domestic livestock forage in the Moquith Mountain Region as expressed in animal unit months and allocated for permitted active use in the RMP, should be no less than the maximum number of animal unit months sustainable by range conditions in grazing districts and allotments in the Moquith Mountain Region, based on an on-the-ground and scientific analysis.

- Where once-available grazing forage in the Moquith Mountain Region has succeeded to pinion, juniper and other woody vegetation and associated biomass, or to cheat grass and other invasive grasses and vegetation, or where rangeland health in the Moquith Mountain Region has suffered for any other reason, a vigorous program of mechanical treatments such as chaining, logging, seeding, lopping, thinning, burning and other mechanical treatments should be applied to remove this woody vegetation and biomass, and/or invasive weeds, and stimulate the return of the native grazing forage to its historic levels for the mutual benefit of livestock, wildlife and other agricultural industries in the Moquith Mountain Region.

- Kane County regards the land which comprises the grazing districts and allotments in the Moquith Mountain Region as still more valuable for grazing than for any other use which excludes livestock grazing, such as conversion of AUM's to wildlife, wild horses, watersheds or wilderness values. Accordingly, it is Kane County's plan that animal unit months in the Moquith Mountain Region not be relinquished or retired in favor of conservation, wildlife and other uses.

- Kane County recognizes that from time to time a bona fide livestock permitee in the Moquith Mountain Region, acting in good faith and not to

Region watershed is to deter unauthorized cross-country OHV use in the Moquith Mountain Region. The best way to achieve this is to give OHV users a reasonable system of trails in the Moquith Mountain Region on which to legitimately operate their OHVs. Closing the Moquith Mountain Region to all OHV use will only spur increased unauthorized cross-country OHV use to the detriment of the Moquith Mountain Region watershed.

- Accordingly, all trails in the Moquith Mountain Region which historically have been open to OHV use should remain open.

- Kane County's watershed protection strategy also calls for reducing the risk of wildfires caused by cheat grass and other invasive species. Such wildfires diminish the watershed through such causes as erosion and dust storms that follow the fire. One of the most inexpensive and effective ways to combat cheat grass and thus protect and enhance the watershed is to allow livestock permitees in the Moquith Mountain Region to let their cattle graze off the cheat grass and other invasive weeds during the Spring before those plants mature and cause a fire hazard in the Summer. Accordingly, all restrictions against the spring grazing of cheat grass should be removed.

4. <u>Achieve and Maintain Traditional Access To Outdoor Recreational Opportunities Available in The Moquith Mountain Region</u>

- Traditionally, citizens of Kane County and visitors have enjoyed many forms of outdoor recreation in the Moquith Mountain Region, such as hunting, fishing, hiking, family and group parties, family and group campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering, parking their RV, or touring in their personal vehicles.

- All trails in the Moquith Mountain Region which historically have been open to OHV use should remain open.

- Public land outdoor recreational access in the Moquith Mountain Region should not discriminate in favor of one particular mode of recreation to the exclusion of others. Traditionally, outdoor recreational opportunities in the Moquith Mountain Region have been open and accessible to working class families, to families with small children, to the ill and persons with disabilities, to the middle aged and elderly, to persons of different cultures for whom a primitive or back country experience may not be the preferred form of recreating. Current use, demographics and area growth support a need for more dispersed and varied recreation opportunities in the Kane County WIA and UWC lands, as opposed to primitive or back country experiences there. All of society should not be

Mountain Region. Those roads should remain open to public travel. In addition, all roads administered by the BLM should remain open to public use, and any attempt to close those roads should be subject to the NEPA process.

- Kane County plans to keep all such roads in the Moquith Mountain Region open and reasonably maintained and in good repair. Kane County will consult with the BLM about any required improvements to such roads, reserving the right to request court intervention and relief in the event Kane County and BLM cannot reach an agreement on such proposed improvements after reasonable efforts at consultation.

- Additional roads trails and transportation corridors may be needed in the Moquith Mountain Region from time to time to facilitate reasonable access to a broad range of resources and opportunities throughout the Moquith Mountain Region, including livestock operations and improvements, solid, fluid and gaseous mineral operations, energy transportation, 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 in the Moquith Mountain Region to accomplish the purposes of those lands. Additional access should be provided where a need is demonstrated and can be accomplished while providing required protection to other resources and uses.

6. Manage the Moquith Mountain Region So As to Not Interfere With The Property Rights of Private Landowners Located in That Region.

- There are parcels of private fee land located in or around the Moquith Mountain Region.

- Land management policies and standards on BLM land in the Moquith Mountain Region should not interfere with the property rights of private landowners in the region to enjoy and engage in traditional uses and activities on their private property, consistent with controlling County zoning and land use laws.

- Nor should those landowners and their guests be denied the right of motorized access to their private property consistent with past uses of those private land parcels.

7. Manage the Moquith Mountain Region So As to Not Interfere With The Fiduciary Responsibility of the State School and Institutional Trust Lands Administration ("SITLA") With Respect to Trust Lands Located in That Region.

- Located within or nearby the Moquith Mountain Region are sections of

Agreement p. 6 & 13.a;

- Managing Post-603 Lands to preserve their alleged wilderness character strays from the multiple use mandate in a manner inconsistent with FLPMA § Section 603 limited delegation of authority. Agreement p. 9 & 17;

- The 1999 Utah Wilderness Reinventory shall not be used to manage public lands "as if" they are or may become WSAs. Agreement p. 13 & 4;

- DOI/BLM will not establish, manage "*or otherwise treat*" Post-603 Lands as WSAs or as wilderness pursuant to the Section 202 process absent congressional authorization. Agreement p. 14 & 7;

- DOI/BLM will remove from the proposed revised resource management plans in the Vernal, Price, Richfield, Kanab, Monticello and Moab Districts any and all references or plans to classify or manage Post-603 BLM lands "*as if*" they are or may become WSAs. Agreement p. 14 & 7.

9. Imposing An Area of Critical Environmental Concern ("ACEC") Designation, Including Any ACEC Alternatives Currently Under Consideration in the Kanab Resource Management Plan Revision Process, Would Contradict Kane County's Plan For Managing The Moquith Mountain Region

- It is Kane County's policy that no part of the Moquith Mountain Region should be designated an ("ACEC") unless it is clearly demonstrated that

  - The proposed ACEC satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1702(a).

  - The proposed 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 values that are objectively shown to be relevant and important or to protect human life or safety from natural hazards.

  - The proposed ACEC is limited only to areas that are already developed or used or to areas where no development is required.

  - The proposed ACEC designation and protection are necessary to protect not just a change in ground conditions or visual resources that can be reclaimed or reversed eventually (like reclaiming a natural gas well site after pumping operations are complete).

- It is clearly demonstrated that including the segment in the NWSR system will not prevent, reduce, impair, or otherwise interfere with the state and its citizen's enjoyment of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or Kane County is a party.

- 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.

- It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.

- It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, 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.

- The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code § 63-38d-401(8)(a), as well as the criteria of Kane County.

- Neither the so-called Indian Canyon segment, the so-called Cottonwood Canyon segment, the so-called Hell Dive Canyon segment, the so-called Water Canyon segment, the so-called South Fork of Indian Canyon segment, nor any other river segment in or in or near the Moquith Mountain Region meets the above criteria. Hence, no river segment in or near the Moquith Mountain Region, including the so-called Indian Canyon segment, the so-called Cottonwood Canyon segment, the so-called Hell Dive Canyon segment, the so-called Water Canyon segment and the so-called South Fork of Indian Canyon segment, should be included in the National Wild and Scenic River system.

- As of December 12, 2007, the terms prescribed in any of the alternatives being considered in the proposed revised Kanab RMP for managing proposed wild and scenic river segments in or near the Moquith Mountain Region, including the so-called the so-called Indian Canyon segment, the so-called Cottonwood Canyon segment, the so-called Hell Dive Canyon segment, the so-called Water Canyon segment and the so-called South

Canaan Mountain

AMENDMENT TO THE KANE COUNTY GENERAL PLAN TO CLARIFY LONGSTANDING POLICIES FOR THAT GEOGRAPHIC REGION OF KANE COUNTY DESCRIBED BELOW AND HEREINAFTER REFERRED TO AS THE

"CANAAN MOUNTAIN REGION."

WHEREAS, Kane County has a general plan adopted pursuant to Utah Code containing policies for the appropriate use of private and public land within the county; and

WHEREAS, Kane County desires to supplement its general plan to clarify long-standing policies specific to certain geographic regions of the county as the need arises; and

WHEREAS, certain amendments have been recommended associated with lands in the Canaan Mountain region of the county;

NOW, THEREFORE, IT IS PROPOSED THAT THE KANE COUNTY GENERAL PLAN BE AMENDED BY INSERTING THE FOLLOWING IN THAT PORTION OF THE PLAN THAT DEALS WITH PUBLIC LANDS:

CLARIFICATION OF KANE COUNTY'S ONGOING PLAN FOR MANAGING CERTAIN LANDS IN THE CANAAN MOUNTAIN REGION OF THE COUNTY

SECTION 1. Subject Lands.

This plan clarification applies to all areas of land situated in part or all of the following-referenced Township and Range which the United States Bureau of Land Management ("BLM") has purported to identify and evaluate for so-called alleged wilderness characteristics, including all lands which BLM purportedly determined to have wilderness characteristics and all lands which BLM purportedly determined to not have wilderness characteristics, all as set forth in relevant maps which are part of the most recent draft of the BLM Kanab Resource Management Plan.

Canaan Mountain, located in parts of:

T42S R9W
T43S R9W
T44S R9W[1]

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[1] Part or all of the following FLPMA Section 603 Wilderness Study Areas ("WSAs") are located in the above-referenced townships and ranges within the borders of Kane County: Parunuweap WSA and Canaan Mountain WSA. The fact that this

drilling will in effect sterilize the mineral and energy resources beneath the area.

- Applications for permission to drill that meet standard qualifications, including where appropriate reasonable and effective mitigation and reclamation requirements, should be expeditiously processed and granted.

- Any moratorium or withdrawals that may exist against the issuance of additional mining patents and oil and gas leases in the Canaan Mountain Region should be carefully evaluated for removal.

2. Achieve and Maintain Livestock Grazing In The Canaan Mountain Region At The Highest Reasonably Sustainable Levels

- Domestic livestock forage in the Canaan Mountain Region as expressed in animal unit months and allocated for permitted active use in the RMP, should be no less than the maximum number of animal unit months sustainable by range conditions in grazing districts and allotments in the Canaan Mountain Region, based on an on-the-ground and scientific analysis.

- Where once-available grazing forage in the Canaan Mountain Region has succeeded to pinion, juniper and other woody vegetation and associated biomass, or to cheat grass and other invasive grasses and vegetation, or where rangeland health in the Canaan Mountain Region has suffered for any other reason, a vigorous program of mechanical treatments such as chaining, logging, seeding, lopping, thinning, burning and other mechanical treatments should be applied to remove this woody vegetation and biomass, and/or invasive weeds, and stimulate the return of the native grazing forage to its historic levels for the mutual benefit of livestock, wildlife and other agricultural industries in the Canaan Mountain Region.

- Kane County regards the land which comprises the grazing districts and allotments in the Canaan Mountain Region as still more valuable for grazing than for any other use which excludes livestock grazing, such as conversion of AUM's to wildlife, wild horses, watersheds or wilderness values. Accordingly, it is Kane County's plan that animal unit months in the Canaan Mountain Region not be relinquished or retired in favor of conservation, wildlife and other uses.

- Kane County recognizes that from time to time a bona fide livestock permitee in the Canaan Mountain Region, acting in good faith and not to circumvent the intent of the BLM's grazing regulations, may temporarily cease grazing operations without losing his or her permitted AUM's. However, BLM imposed suspensions of use or other reductions in domestic livestock animal unit months in the Canaan Mountain Region

Region to all OHV use will only spur increased unauthorized cross-country OHV use to the detriment of the Canaan Mountain Region watershed.

- Accordingly, all trails in the Canaan Mountain Region which historically have been open to OHV use should remain open.

- Kane County's watershed protection strategy also calls for reducing the risk of wildfires caused by cheat grass and other invasive species. Such wildfires diminish the watershed through such causes as erosion and dust storms that follow the fire. One of the most inexpensive and effective ways to combat cheat grass and thus protect and enhance the watershed is to allow livestock permitees in the Canaan Mountain Region to let their cattle graze off the cheat grass and other invasive weeds during the Spring before those plants mature and cause a fire hazard in the Summer. Accordingly, all restrictions against the spring grazing of cheat grass should be removed.

4. <u>Achieve and Maintain Traditional Access To Outdoor Recreational Opportunities Available in The Canaan Mountain Region</u>

- Traditionally, citizens of Kane County and visitors have enjoyed many forms of outdoor recreation in the Canaan Mountain Region, such as hunting, fishing, hiking, family and group parties, family and group campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering, parking their RV, or touring in their personal vehicles.

- All trails in the Canaan Mountain Region which historically have been open to OHV use should remain open.

- Public land outdoor recreational access in the Canaan Mountain Region should not discriminate in favor of one particular mode of recreation to the exclusion of others. Traditionally, outdoor recreational opportunities in the Canaan Mountain Region have been open and accessible to working class families, to families with small children, to the ill and persons with disabilities, to the middle aged and elderly, to persons of different cultures for whom a primitive or back country experience may not be the preferred form of recreating. Current use, demographics and area growth support a need for more dispersed and varied recreation opportunities in the Kane County WIA and UWC lands, as opposed to primitive or back country experiences there. All of society should not be forced to participate in a solitude experience or a primitive experience as the one and only mode of outdoor recreation in the Kane County WIA and UWC Lands. The economically disadvantaged and underprivileged who lack the money and ability to take the time off work necessary to get outfitted for a multi-day

open and reasonably maintained and in good repair. Kane County will consult with the BLM about any required improvements to such roads, reserving the right to request court intervention and relief in the event Kane County and BLM cannot reach an agreement on such proposed improvements after reasonable efforts at consultation.

- Additional roads trails and transportation corridors may be needed in the Canaan Mountain Region from time to time to facilitate reasonable access to a broad range of resources and opportunities throughout the Canaan Mountain Region, including livestock operations and improvements, solid, fluid and gaseous mineral operations, energy transportation, 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 in the Canaan Mountain Region to accomplish the purposes of those lands. Additional access should be provided where a need is demonstrated and can be accomplished while providing required protection to other resources and uses.

6. Manage the Canaan Mountain Region So As to Not Interfere With The Property Rights of Private Landowners Located in That Region.

- There are parcels of private fee land located in or around the Canaan Mountain Region.

- Land management policies and standards on BLM land in the Canaan Mountain Region should not interfere with the property rights of private landowners in the region to enjoy and engage in traditional uses and activities on their private property, consistent with controlling County zoning and land use laws.

- Nor should those landowners and their guests be denied the right of motorized access to their private property consistent with past uses of those private land parcels.

7. Manage the Canaan Mountain Region So As to Not Interfere With The Fiduciary Responsibility of the State School and Institutional Trust Lands Administration ("SITLA") With Respect to Trust Lands Located in That Region.

- Located within or nearby the Canaan Mountain Region are sections of school and institutional trust lands owned by the State of Utah and administered by SITLA in trust for the benefit of public schools and other institutions ("school trust lands"), as mandated by Utah's Enabling Act and State Constitution.

authority. Agreement p. 9 & 17;

- The 1999 Utah Wilderness Reinventory shall not be used to manage public lands "as if" they are or may become WSAs. Agreement p. 13 & 4;

- DOI/BLM will not establish, manage "*or otherwise treat*" Post-603 Lands as WSAs or as wilderness pursuant to the Section 202 process absent congressional authorization. Agreement p. 14 & 7;

- DOI/BLM will remove from the proposed revised resource management plans in the Vernal, Price, Richfield, Kanab, Monticello and Moab Districts any and all references or plans to classify or manage Post-603 BLM lands "*as if*" they are or may become WSAs. Agreement p. 14 & 7.

9. Imposing An Area of Critical Environmental Concern ("ACEC") Designation, Including Any ACEC Alternatives Currently Under Consideration in the Kanab Resource Management Plan Revision Process, Would Contradict Kane County's Plan For Managing The Canaan Mountain Region

- It is Kane County's policy that no part of the Canaan Mountain Region should be designated an ("ACEC") unless it is clearly demonstrated that

  - The proposed ACEC satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1702(a).

  - The proposed 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 values that are objectively shown to be relevant and important or to protect human life or safety from natural hazards.

  - The proposed ACEC is limited only to areas that are already developed or used or to areas where no development is required.

  - The proposed ACEC designation and protection are necessary to protect not just a change in ground conditions or visual resources that can be reclaimed or reversed eventually (like reclaiming a natural gas well site after pumping operations are complete). Rather, the damage must be shown in all respects to be truly *irreparable* and justified on short term and long term horizons.

  - The proposed ACEC designation and protection will not be applied redundantly over existing protections available under FLPMA

interstate water compacts to which the State or Kane County is a party.

- 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.

- It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.

- It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, 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.

- The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code § 63-38d-401(8)(a), as well as the criteria of Kane County.

- Neither the so-called Meadow Creek/Mineral Gulch segment, the so-called East Fork Virgin River segment, nor any other river segment in or in or near the Canaan Mountain Region meets the above criteria. Hence, no river segment in or near the Canaan Mountain Region, including the so-called Meadow Creek/Mineral Gulch segment and the so-called East Fork Virgin River segment, should be included in the National Wild and Scenic River system.

- As of December 12, 2007, the terms prescribed in any of the alternatives being considered in the proposed revised Kanab RMP for managing proposed wild and scenic river segments in or near the Canaan Mountain Region, including the so-called Meadow Creek/Mineral Gulch segment and the so-called East Fork Virgin River segment, constitute de facto wilderness management by another name. They are incompatible with and would therefore frustrate and defeat the foregoing plans of Kane County for managing the Canaan Mountain Region.

11. <u>A Visual Resource Management Class I or II Rating for Any Part of the Canaan Mountain Region Would Contradict the State's Public Land Policy and Contradict Kane County's Plan For Managing the Canaan Mountain Region</u>

- The objective of BLM Class I Visual Resource Management is not compatible with, and would therefore frustrate and interfere with, Kane

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.

Through the past decade, recreation use of the lands in Kane County has rapidly increased as pressures from Nevada, California and the Wasatch front in Utah, has rapidly grown. Kane County lies within easy reach of these metropolitan areas. Utahans seeking recreation through motor cycling, 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 the County. The potential for conflicts between these users and those residents who make their living here was huge. But cooperative efforts on both sides have kept the conflicts to a minimum, and recreation use has become part of the regular and daily custom and culture of this County.

Kane County people are independent and strong-willed. They have to 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.

As a result of the importance of property rights to its citizens, Kane County's government is developing land management plans. By the time the legislature enacted the Utah County Land Use Development And Management Act of 1992, Kane County's people had commenced their planning process designed to continue the lifestyle which assures quiet enjoyment of property rights and interests and the highest possible degree of protection of those rights. This history is set forth in a revised Kane County, Utah General Plan to be issued by the Board of Commissioners in 1998.

During most of the twenty-five years of the planning activities in Kane County, attention was placed on development of private lands. But, as federal policies began to change toward a direction of reducing livestock grazing, reducing recreation use, seizing ownership of private property, water rights and rights-of-way, it became clear that Kane County would have to extend its planning efforts to an area of concern for the federal lands. The Board of Commissioners set about to revise and update the General Plan issued in 1993.

federal lands journey into Kane County from the surrounding metropolitan areas. 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. Secondarily 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 and the Planning Commission 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 use of the federal lands.

B. MULTIPLE USE AND COORDINATION WITH FEDERAL AND STATE AGENCIES

This Plan provides a positive guide for the Kane County Resource Development Committee and the Board to coordinate their efforts with federal and state land management agencies in the development and implementation of land use plans and management actions which are compatible with the best interests of Kane County and its citizens. The Plan is designed to facilitate continued and revitalized multiple use of federally and state managed lands in the County.

The Board of Commissioners, and the citizens of Kane County recognize that federal law mandates multiple use of federally managed lands and they positively support multiple use. Maintenance of such multiple use necessarily includes continued maintenance of the historic and traditional economic uses which have been made of federally managed and state managed lands in the County. It is therefore the policy of Kane County that the Board of Commissioners and the Resource Development Committee work constantly to assure that federal and state agencies shall inform the Board of Commissioners and the Resource

Section 1712 (c) (9) further provides that the Secretary of Interior must assure that the BLM's land use plan be "consistent with State and local plans" to the maximum extent possible under federal law and the purposes of the Federal Land Policy and Management Act. It is reasonable to read this statutory provision in association with the requirement of coordinated involvement in the planning process.
The provisions of Section 1712 (c) (9) set forth the nature of the coordination required by the Bureau with planning efforts by the Indian tribes, other federal agencies, and state and local government officials. Subsection (f) of Section 1712 sets forth an additional requirement that the Secretary of Interior "shall allow an opportunity for public involvement" which again includes Federal, State and local governments. The "public involvement" provisions of Subsection (f) do not limit the coordination language of Section 1712 (c) (9) or allow the Bureau to simply lump local government officials in with special interest groups of citizens or members of the public in general. The coordination requirements of Section 1712 (c) (9) set apart for public involvement those government officials who are engaged in the land use planning process as is Kane County. The statutory language distinguishing the County because it is engaged in the land use planning process makes sense because of the Board's obligation to plan for future land uses which will serve the welfare of all the people of the County and promote continued operation of the government in the best interests of the people of Kane County.

In American Motorcyclist Association v. Watt, 534 F. Supp. 923 (U.S.C.D. Cal. 1981), the Court held that a County could challenge the implementation of Conservation Plan issued by the BLM on the basis of these coordinated planning provisions of FLPMA. The Court pointed out that FLPMA requires the Secretary of Interior to provide for meaningful involvement of local government in developing plans and regulations, and pointedly referred to FLPMA's "mandate" that federal land use plans be consistent with local plans.

The National Environmental Policy Act requires that all federal agencies consider the impacts of their actions on the environment and on the preservation of the culture, heritage and custom of local government. In 16 U.S.C. § 4331 (a) (4) the law provides as follows:

"It is the continuing responsibility of the federal government to use all practicable means, consistent with other essential considerations of national policy, to: (4) Preserve important historic, culture, and natural aspects of our national heritage."

The term "culture" is defined as "customary beliefs, social forms, and material traits of a group; the integrated pattern of human behavior passed to succeeding generations." See

eliminating a grazing preference by use of the term "permitted use" in his infamous Rangeland Reform regulations.

Judge grimmer stated that the term "grazing preference" represents "an adjudicated right to place livestock on public lands" which provided predictability and security to livestock operators. He pointed out that the Taylor Grazing Act imposes on Secretary "an affirmative duty to protect" this preference. In issuing the injunction, the judge found that the Secretary had violated this "affirmative duty":
"With a mere stroke of his pen, the Secretary has boldly and blithely wrested away from Western ranchers the very certainty, the definiteness of range rights, and the necessary security of preference rights that their livestock operations require. Congress gave Western ranchers these rights by enacting the Taylor Grazing Act, and many decades of satisfactory operations and the course of case by case adjudications have confirmed these rights." - 929 F. Supp. at 1441

Kane County has previously developed its comprehensive General Plan related to privately owned lands in the County. This Land Use Plan is now directed toward management of federally and state managed lands. With adoption of this Plan the County puts in place a "Comprehensive Plan" which includes "all land within the jurisdiction of the governing Board" as directed by the legislature. Utah Code §17-27-102, provides that: "To accomplish the purpose of this chapter (The Utah Land Use Development and Management Act of 1992), and in order to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the county and its present and future inhabitants and businesses, to protect the tax base, secure economy in governmental expenditures, foster the state's agricultural and other industries, protect both urban and non-urban development, and to protect property values, counties may enact all ordinances, resolutions, and rules that they consider necessary for the use and development of land within the county, including ordinances, resolutions, and rules governing uses, density, open spaces, structures, buildings, energy-efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, public facilities, vegetation, and trees and landscaping, unless those ordinances, resolutions, or rules are expressly prohibited by law. These statements of purpose adopted under the Development Act contemplate coordination by state agencies of their planning efforts with the local planning efforts of Kane County.

The Board of Commissioners now call upon the federal and state management agencies to coordinate in advance with the Board any proposed actions which will impact either the federally and state managed lands in Kane County, the private property rights and private

official capacity as the executive authority of the County. The Guidelines include standards for land management set forth by statute, by which the Land Use Committee and the Board will be guided.

A "plan" is variously defined as "a detailed and systematic formulation of a large scale program," "a proposed undertaking or goal," and "an orderly arrangement of parts in terms of an overall design or objective." Webster's Third New International Dictionary 1729 (1986). This Plan fits those definitions. It includes the description of the process by which the land use program began, the guidelines which provide the general standards by which the Management Actions set forth in Part III of this Plan will contain, where appropriate, management alternatives designed to achieve maintenance and improvement of multiple use. They will also contain statements of actions which may be taken by the Board to implement objectives set by the Land Use Committee and the Board.

The planning process is on-going, and will require the Board of Commissioners to become involved with analysis and evaluation of all stages of the planning cycles followed by federal and state management agencies, including plan development as well as implementation which includes monitoring and evaluation of plan implementation.

Part II Primary Planning Guidance

A. GENERAL GUIDANCE AND STANDARDS

The federal lands which form the bulk of the land mass in Kane County are under management direction from the Congress of the United States. Article IV, Section 3(2) of the United States Constitution provides that "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States..."

The Congress has passed many statutes in exercise of this Constitutional power and authority. Most of those statutes authorize the Secretary who heads an executive management agency to issue rules and regulations to implement the statutes. But the management power and authority never leaves the Congress. The management agencies simply manage the land for the Congress. Their regulations must be consistent with the statutes and must not exceed the authority granted by the statutes.

Kane County has adopted the planning concept that the statutes passed by Congress provide

> the end of the state is to protect liberty and property, as these conceptions are understood independent of and prior to the formation of the state. No rights are justified in a normative way simply because the state refuses to protect them, as a matter of grace. To use a common example of personal liberty: The state should prohibit murder because it is wrong; murder is not wrong simply because the state prohibits it. The same applies to property: trespass is not wrong because the state prohibits it; it is wrong because individuals own private property. At each critical juncture, therefore, independent rules, typically the rules of acquisition, protection, and disposition, specify how property is acquired and what rights its acquisition entails. None of these rules rest entitlement [to property] on the state, which only enforces the rights and obligations generated by theories of private entitlement." Takings, Pgs 5-6. The concept of natural rights to property were long debated by political philosophers prior to establishment of the United States Constitution. Thomas Hobbes reached a solution about property and mankind which leaned toward government control in order to protect against human greed and self interest. Hobbes felt that the price for order was "the surrender of liberty in property to an absolute sovereign." See Takings, supra, page 7. The framers of the United States Constitution rejected this concept, turning toward the theories of John Locke whose writings were known to, and cited often by, the framers of the Constitution. Locke believed emphatically that individual natural rights, including the rights to obtain and hold property, were not derived from the sovereign or the government but were in fact natural rights in the nature of "the common gift of mankind." See Takings, page 10; citing John Locke, "Of Civil Government" Chapter 5 (1690). Locke's position was based upon a simple method of individual acquisition of property rights or property interests: "individuals are allowed to keep that which they first reduce to their own possession." See Takings, page 10.

Locke's political philosophy set forth the view that the organization of a government does not require the surrender of all natural rights including property rights and interests to the sovereign. In accordance with that view if the government takes a property right or a property interest then it must pay for it. As summarized by Professor Epstein:

> "By Locke's view, the State itself does not furnish new or independent rights, qua sovereign, against the person subject to its control. There is no divine right of kings which suspends the ordinary rules of right and obligation between individuals and the state of nature. The sovereign has no absolute power to

Transportation Co. vs. City of New York, 438 U.S. 104, 98 S.Ct. 2646 (1978), and other decisions relating to consideration of reasonable investment backed expectations as a compensable property interest. The Board of Commissioners will also review cases decided in the United States Court of Claims including Loveladies Harbor Inc., et. al. vs. the United States, 21 C.L.C.T. 153 (1990) which have awarded compensation for partial takings where the takings have frustrated reasonable investment backed expectations and deprived the individual of the economically viable use of his land and property rights and interests.

The Board of Commissioners will also evaluate actions by federal and state regulatory agencies impacting water rights constitutionally guaranteed by the Utah Constitution as compensable rights. The standards by which regulatory actions will be reviewed regarding water rights are set forth in the "water rights" section.

The Board of Commissioners will also evaluate actions by federal and state regulatory agencies taken in the name of protecting threatened or endangered species which adversely impact private property rights, private property interests, and investment backed expectations. The standards by which such regulatory actions will be reviewed regarding such species are those established by decisions of the United States Supreme Court. The County will continue to urge Congress to enact specific private property protection from species listings.

The Board of Commissioners will evaluate the issues regarding "takings" of private property in view of the nature of a ranch operation which is set forth in this plan and which is known to everyone involved in the operations and financing of livestock grazing or any other agriculturally oriented activity in Kane County. The "economically viable use" of the base operation is completely dependent upon reasonable expected use of the federally and state managed lands. That reasonably expected use is often evidenced by a grazing permit. The existence of such permit causes County Assessors to appraise the taxable value of the private property which serves as the base operation at a higher rate than it would be appraised if no permit existed. Thus, for taxation purposes the grazing permit is considered a part of the realty upon which an individual must be taxed. The Internal Revenue Service also considers the permit as a taxable property interest. Financing institutions, whose support is critical to continued livestock grazing and agricultural operations in Kane County, consider the existence of the permit, and the reasonable expectation of land use which emanates therefrom, as an indispensable factor in determining to extend and continue financial support. Grazing permits are capitalized into the value of a ranch, so that when a buyer purchases a ranch, he actually pays for both the private and federally managed lands contained in the ranch unit. See Phillip Foss, Politics and Grass, (1960) at page 197.

statute is passed, the legal title to the possessory right passes as completely as though a patent had been issued. Title to allotments of federal land for grazing have been validated or confirmed for over a century, and the boundaries of those allotments have been adjudicated. The Stock Raising Homestead Act of 1916 culminated development of the settlement acts regarding the lands "chiefly valuable for grazing and raising forage crops" when it completely split the surface estate from the mineral estate in order to allow for the disposal of legal surface title to ranchers, while retaining undiscovered mineral wealth to the United States. The grazing right owned by Kane County ranchers was acknowledged and secured by passage of the Taylor Grazing Act in 1934. Every subsequent Act regarding management of the federal lands has protected and preserved all "existing rights" such as the grazing right.

Property rights related to the federal lands are split between a number of parties and users, private and governmental. The rights possessed by the various parties include water rights, grazing rights, mineral rights, wildlife rights, petroleum exploration rights and timber harvest rights. Each of the rights has been validated and secured by statute or court decisions.

In Public Lands Council v. Babbitt, supra, the United States District Court acknowledged the "right" of a permittee to his adjudicated grazing preference, and held that such "right" could not be removed by a regulation issued by the Secretary of Interior. Such recognition of a "right" forms the base for a "taking" when that "right" is taken by regulation. It is the goal of this Plan that management activities be instituted which prevent such "taking" and which foster effective implementation of the "right" to adjudicated grazing preferences.

The split estate is further demonstrated by the stock watering right possessed by each Rancher to water existing on federal land. Each rancher who grazes livestock on federal lands has the right to use water existing on the federal lands even though he or she is not the title holder to the lands themselves. The effective date of the right to water the livestock grazing on those lands is the date of first appropriation by the rancher or any predecessor in title who conveyed the stockwater right.

The Board of Commissioners will plan for, and take positive action to assure, that private property rights and private property interests including investment backed expectations are protected in light of the standards set forth.

2. LIVESTOCK GRAZING

There are in excess of ___,___AUMs (federally managed lands) of livestock use currently in Kane County. These AUMs represent __% of the total grazing livestock production in the

water resource and archaeological values; that, where appropriate, will preserve and protect certain public lands in their natural conditions; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use; . . .

(12) The public 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 Public Rangelands Improvement Act of 1978, 43 U.S.C. § 1901-1908, once again revitalized the purposes of the Taylor Grazing Act, providing that the Secretary of Interior "shall manage the public rangelands in accordance with the Taylor Grazing Act, the Federal Land Policy and Management Act of 1976 and other applicable law consistent with the public rangelands improvement program pursuant to this Act." See 43 U.S.C. § 1903, which also provides that:

"the goal of such management shall be to improve the range conditions of the public rangelands so that they become as productive as feasible in accordance with the rangeland management objectives established through the land use planning process, and consistent with the values and objectives listed in [Section 1901]."

The values and objectives listed in Section 1901 by which the Secretary was to be guided include a finding and declaration by the Congress that: "to prevent economic disruption and harm to the western livestock industry, it is in the public interest to charge a fee for livestock grazing permits and leases on the public lands which is based on a formula reflecting annual changes in the costs of production." 43 U.S.C. § 1901 (a) (5)."

The Congress further found and declared that one of the reasons the Public Rangelands Improvement Act was necessary is that segments of the public rangelands were producing less "than their potential for livestock" and that unsatisfactory conditions on some public rangelands prevented "expansion of the forage resource and resulting benefits to livestock and wildlife production." 43 U.S.C. § 1901 (a) (3). The Act mandates improvement of the rangelands in order to increase the potential for livestock development and to prevent economic harm to the "western livestock industry."

In accordance with these Federal Acts - - - The Taylor Grazing Act, The Federal Land Policy and Management Act and The Public Rangelands Improvement Act - - - the Bureau of Land

4. VEGETATION MANAGEMENT

Very clearly both the Taylor Grazing Act and the Federal Land Policy and Management Act ordered maintenance and improvement of the vegetation on the federally managed lands to provide forage for livestock and wildlife and habitat for wildlife. Even more pointed however were the instructions given to federal managers by the Public Rangelands Improvement Act of 1978. In 43 U.S.C. § 1901, the Congress found that the federally managed lands were-producing "less than their potential for livestock, wildlife habitat, recreation, forage, and water and soil conservation benefits." The Congress further found in § 1901 that unsatisfactory vegetation conditions on public rangelands "prevent expansion of the forage resource and resulting benefits to livestock and wildlife production." The Congress also found that such conditions preventing an expansion of the forage resource and other unsatisfactory conditions on the public rangelands "may ultimately lead to unpredictable and undesirable long-term local and regional climatic and economic changes." In order to eliminate such conditions the Congress called for intensive planning and improvement of the condition of the federally managed rangelands so that "they become as productive as feasible for all rangeland values."

Under the federal statutes setting forth the planning and management responsibilities for the federally managed lands, then, it is clear that planning and management efforts must be directed toward increased and expanded forage resources. Kane County considers itself bound by good planning principles as well as the requirements of the federal statutes to plan for and seek federal approval for methods of improving and expanding forage development on the federally managed lands in the County. Increased and expanded forage can result not only from proper grazing management improvements, water development, and reseeding, but also from control of invading vegetation which threatens true multiple use value of the federally managed lands. In planning for vegetation management the Committee and the Board will be guided by the following general considerations:

A. LIVESTOCK GRAZING

Planned livestock grazing will be managed so as to maintain and enhance desired plant communities for the benefit of watersheds, wildlife, water quality, recreation and livestock grazing as required by the Public Rangelands Improvement Act through effective principles of planning and management. Such management will be developed specifically for each allotment in order to achieve the desired result throughout the County. All necessary grazing management improvements, including water development, juniper/sagebrush control, reseeding, fencing, salting plans, herding plans, and grazing systems will be included in

the multiple use values of the rangeland. Controlled burns will be evaluated as a means of encouraging revitalization of rangeland vegetation which will support and expand multiple use.

Grazing rest prescriptions related to either wildfires or prescribed burns will be determined on a site specific basis. Where rest prescriptions are appropriate, they may include the year of the burn, light late season use in the year following the burn, and/or moderate late season use in the second year following the burn. Post fire grazing will not be limited when unbiased post fire monitoring and evaluation produces relevant, accurate data which demonstrates that grazing will not unduly harm the range.

D. NOXIOUS WEED CONTROL

The Board of Commissioners is the weed control authority for Kane County. Ongoing programs to identify locations of all noxious weeds, and to initiate management and/or eradication efforts will continue. The Federal Public Rangelands Improvement Act virtually mandates such cooperation in order to improve "unsatisfactory condition" of the federally managed rangelands. Cooperative agreements and, if necessary, legal actions will be utilized to assure protection of vital land resources from noxious weed occupation or invasion.

5. WATER QUALITY, RIPARIAN AREAS AND WETLANDS

The State of Utah maintains jurisdiction over water quality enhancement and protection for point and non-point water quality impacts. This plan will address non-point impacts through development of site specific BMPs (Best Management Practice) only for those waters which have been specifically identified and documented as not meeting beneficial use(s). Where water quality issues (not supporting beneficial use) have been documented to exist, a priority will be given to development and implementation of allotment management plans in these areas. Such areas will be evaluated and considered within the context of a watershed management approach rather than a specific site management approach. Extensive variation exists in riparian types, current condition, potential for change, disturbance factors, and opportunity for intensive management. Therefore, general application of BMPs is not possible.

Special consideration will be given to natural occurrences and natural recovery systems. A natural state on a county wide basis would contain some areas in all condition classes and in various states of recovery which may not at all times support all beneficial uses. There will be no expectation that all areas will achieve and remain in a high condition class but that all areas will achieve a natural state in relation to time. The primary expectation shall be that systems achieve or maintain Proper Functioning Condition.

The Board of Commissioners will carefully evaluate implementation of the wetlands provisions of the Clean Water Act of 1988, 33 U.S.C. § 1344 by federal regulatory agencies, in order to assure that any person deprived of a property right, property interest including investment backed expectations by such implementation is compensated as directed by the 5th Amendment to the United States Constitution. The cost of a determination by a federal agency that land is a "wetland" should not be borne by the individual whose right or interest is adversely impacted. Such cost should be borne by society, as a whole in whose interest the agency purportedly acts to protect the "wetland."

6. RECREATIONAL USE

In 1963 the Congress enacted the Outdoor Recreation Coordination Act which declared it "desirable that all American people of present and future generations be assured adequate outdoor recreation needs and resources." 16 U.S.C. Section 4601. The Congress authorized the Secretary of Interior to prepare and maintain "a continuing inventory and evaluation of outdoor recreation needs and resources." 16 U.S.C. 460L-1. The same Act requires the Secretary to consider the plans of federal agencies, states and local government and to cooperate with such planning units with respect to outdoor recreation. 16 U.S.C. 46011 (c)(d).

Outdoor recreation is one of the multiple uses mandated for the federal lands by the provisions of the Federal Land Policy and Management Act. Over the past decade the recreation use of the federal lands in Kane County has dramatically increased. The openness of Kane County provides many recreational opportunities for residents and visitors---winter and summer. Conflicts between recreation users and other users of the lands are minimal, and can be kept to a minimum by coordinated planning efforts by the County, federal and state agencies, recreational organizations and associations and members of the public. Such coordinated efforts should include development and implementation of a management plan which will include:

1) A review and evaluation of all existing open, limited and closed area designations imposed by the BLM in order to determine whether the existing designations are needed and appropriate;

2) Collection and analysis of data relating to the demand for recreation use now and in the future as Kane County grows;

the period of review of prospective wilderness areas any existing "mining and grazing uses and mineral leasing" could continue "in the manner and the degree in which the same was being conducted on October 21, 1976." In State of Utah vs. Andrus, 486 Fed.Supp. 995 (U.S.D.C., Utah, 1979) the Chief Judge of the Utah Federal District Court ruled that under these statutory terms,, the Bureau of Land Management has the authority to manage lands so as to prevent impairment of wilderness characteristics, unless the lands are subject to an existing use. If the lands are subject to an existing use such as grazing, or mining, the Bureau of Land Management may then regulate only so as to prevent unnecessary or undue degradation of the environment. Nearly a decade later in Sierra Club vs. Hodel, 848 F.2d 1068 (Tenth Circuit 1988) the Court of Appeals for the Tenth Circuit held that valid existing use- rights in wilderness designated areas are exempt from the non impairment standard. The Court approved the Bureau of Land Management's modification of its Interim Management Policy to provide that even if the exercise of existing rights did impair wilderness suitability, the exercise of the existing rights would be allowed to continue. See 848 F.2d at 1086-1088.

The wilderness Act allows for recommendations for modification or adjustment of boundaries only after designation as wilderness. Current wilderness recommendations made by the Bureau of Land Management will be reviewed in relation to the impacts on natural resource based industries, on the economic stability of the County, and on the custom and culture of the citizens of Kane County. A recommendation from the County will be forwarded to Congress based on this evaluation. Interim Management Policy will be followed with emphasis on protection of the total resource and grazing rights as recognized by federal statutes.

A recommendation from the County will also be forwarded to Congress that any prospective wilderness area which the Congress decides not to designate as wilderness, should be released from further wilderness consideration in land use plans for federally managed lands and National Environmental Policy Act decision making. This will eliminate the spectra of multiple land use being hampered or choked off indefinitely in "study areas" even though the land has not been determined to meet the wilderness requirements and qualifications set by the wilderness Act.

8. NATIONAL WILD AND SCENIC RIVER SYSTEMS

Previously completed inventory data and recommendations on potential wild and scenic river segments within Kane County should be carried forward to the Congress. The National Wild and Scenic Rivers Act, 16 U.S.C. §§ 1271-1287, provides the guidance for identification and designation of individual river segments for study and for recommendation for inclusion in the

9. THREATENED AND ENDANGERED SPECIES

The Resource Development Committee and the Board will pay particular attention to any species designated in any category or classification for protection or consideration of protection under the Endangered Species Act and will act to require the agencies to comply with full procedural provisions of federal statutes. The Resource Development Committee and the Board has developed an endangered and threatened species review process which is set forth in Part IV of the Plan.

10. WILDLIFE / WILDLIFE HABITAT

Wildlife Management should maintain the balanced wildlife populations which our citizens have grown accustomed to enjoying in consumptive and non-consumptive manner. Big game populations have taxed available habitat in recent years as the populations of Deer, Antelope and Elk, have steadily increased. These increased populations have severely strained the habitat balance. As a result, big game impacts on private property and property interests have increased proportionally. The eventual result of limiting populations strictly by available habitat is starvation and disease. This is not a socially acceptable alternative. The Utah Department of wildlife Resources needs to be aware of big game impacts not only on private land forage supplies but on the property and property interest of permittee in their allotments. Hunting activity, allowable harvests and Departmental feeding programs must be coordinated with Kane County to achieve a balanced multiple use.

Currently Elk populations are not being managed. Numbers are increasing in many areas and no target population has been identified. The Bureau of Land Management and other outside experts have confirmed that bighorn populations are high enough to be at risk of a population crash. Much better coordination of deer hunting seasons with private property use and livestock management must be achieved. The planning effort will be directed at maintaining healthy balanced populations of wildlife and at establishing management plans including depredation hunts which respect private property rights and interests including investment backed expectations of the people of Kane County.

11. AREAS OF CRITICAL ENVIRONMENTAL CONCERN(ACEC)

An ACEC by definition is an area with special resource values that must be designated as an ACEC in order to receive special management. No such designations will be recommended where other designations or ordinarily prescribed management provides for special resource values. Stream segments of concern are designated as such specifically to bring to bear all

14. ENERGY AND MINERAL RESOURCES

Energy and mineral resources provide the base for an important contribution to the economy of Kane County. All lands not currently withdrawn from energy and mineral exploration will remain available for such use.

Proposed revisions to the General Mining Law of 1872 will be carefully evaluated as to any undue adverse impact on the mining industry in the County. Recommendations regarding such proposed amendments will be sent to Congress. The mining industry makes up an important part of the property tax base of the County, and its payroll and expenditures for supplies are important to the economic stability of the County. Mining is one of the historic multiple uses on federally managed land and maintenance of the use is compatible with the multiple use principle.

As Management Action is considered regarding mining interests in the County, the restraints upon free market development imposed by statute or by agency rule will be evaluated. Any unjust or unreasonable restraints which are not specifically based upon statutory authority may be challenged. As to any such unjust or unreasonable restraints which appear to be based upon statutory authority, a recommendation may be made to Congress.

15. CULTURAL, GEOLOGICAL AND PALEONTOLOGICAL RESOURCES

Kane County contains many special features which by their remote and rugged nature are largely self protected. Where an imminent threat to these special features is specifically identified, mitigation efforts necessary to protect significant scientific, educational, and recreational value will be identified.

Many other special features are not self protected and are susceptible to damage by recreation seekers. Among such features are Pictographs which are located in many areas of the County.

Any permits granted for recreational use of any type in the areas in which these ancient Pictographs are located should be issued only after careful consideration of the adverse impact which might result from the recreational event and shall be issued only with conditions designed to prevent damage to the Pictographs and other cultural and historical characteristics of the County.

16. RIGHTS OF WAY

Committee; the Board, the Prosecutor, and the Sheriff will continue working with the BLM and other federal agencies to guarantee that both the Constitutions of Utah and the United States, and all statutes and laws are followed in relation to federal law enforcement activities in Kane County. As Kane County has been involved in land use planning for more than five years, the Kane County Prosecuting Attorney, in conjunction with the Kane County Sheriff will begin planning for law enforcement activities in the county on state and federal land. The Federal Land Policy and Management Act of 1976 requires the Bureau of Land Management and other agencies under the authority of the Secretary of Interior to coordinate ALL land management activities with county and state governments involved with land use planning USC 1712(c)(9). The Kane County Sheriff is authorized as the primary law enforcement agent in the county under Utah Code 31-2227, and the Kane County Land use Planning Committee will assist the County Sheriff in his attempts to secure coordination by federal agencies. While the state of Utah and Kane County have been enforcing law on public lands in Kane County since 1865, increasing Federal laws and regulations in reference to federal lands prompted Congress in 1976 to pass legislation to make sure their new laws would be enforced. Federal laws that simply duplicate existing state and local laws are still within the primary law enforcement jurisdiction of the state, a field Congress did not intend to usurp, but Congress did intend that any new laws it passed should be enforceable.

The Federal Land Policy and Management Act of 1976 in USC 1733(c)(2) addressed the issue by mandating that the Secretary of the Interior "authorize Federal personnel or appropriate local officials to carry out his law enforcement with respect to the public lands and their resources." The Act gives the AUTHORIZING discretion to the Secretary of the Interior not so he can preempt police powers of the state, but so that he can authorize local officials to enforce Federal laws and regulations on public lands. The law becomes even more detailed on the issue when it provides in section 1733(c)(1) that:

"When the Secretary determines that assistance is necessary in enforcing Federal laws and regulation relating to the public lands or their resources, he shall offer a contract to appropriate local officials having law enforcement authority within their respective jurisdictions with the view of achieving maximize feasible reliance upon local law enforcement officials..."

Although Congress did direct the Secretary of the Interior to authorize the enforcement of federal laws on federal lands, Congress did not attempt to preempt states' police powers. Specifically, in 43 USC 1701 of the Federal Land Policy and Management Act, Congress mandates that "Nothing in this Act shall be construed as...a limitation upon the police power of the respective States, or as derogating the authority of a local police officer in the

Should hesitance on their part interfere with the stated goals, then action may have to be taken to secure judicial orders that the agencies comply with the coordination mandate of the Congress.

This Plan has been developed from a new base after the designation of the Grand staircase Escalante National Monument in 1996. This new Plan and its appendices should be considered in order to understand the depth of commitment of Kane County to a coordinated planning process.
As the Planning process continues, scientific studies and reports, team evaluations, and other planning reports and studies will be added to the documents which contain the Kane County Land Use Plan. Such documents, when approved by the Board of Commissioners, will be attached to this Plan and utilized in making planning decisions.

Part III Threatened and Endangered Species process

A. LOCAL PLANNING UNDER THE ENDANGERED SPECIES ACT

In the Endangered Species Act of 1973 (as amended) the United States Congress has established it to be the national policy to maintain a balance in the ecological systems upon which human and all life depend which prevents the unnatural, unnecessary extinction of a species of fish, economic and social hardship which would lead to extinction of human activities on the other.

In 16 U.S.C. Section 1533 the Congress has specifically required the Secretary of Interior to consider "economic impact" before designating a critical habitat, all governmental agencies--local, state and federal--are called upon to cooperate with each other and with other interested parties to conserve the ecological systems upon which all species depend.

The specifically expressed purpose stated in 16 U.S.C., Section 1531 is to provide a legislative and financial means through which conservation of ecological systems could be maintained with such balance. The Congress declared the national purpose to be to encourage states "though Federal financial assistance and a system of incentives" to develop and maintain "conservation programs." Such programs were defined to include scientific resource management activities such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, transplantation and other activities designed to bring about the balance in the ecological system which make protective actions under the Endangered Species Act no longer necessary.

Subcommittee or of the County Resource Development Committee may request that the process be initiated, whether or not a request has been made by an agency or other citizen.

c) The subcommittee will review the request, and may invite the requesting agency, person or group to meet with the subcommittee to discuss the request. During this initial review, the subcommittee shall request information form state and federal agencies and interested citizens as to the species identified in the request. Thus, the subcommittee can take advantage of existing data and analysis regarding the species identified in the request. The subcommittee shall coordinate its review with state and federal agencies and interested citizens and citizen organizations.

d) When the subcommittee determines the nature of the condition, the potential impact on the ecological system which is or may become imminent, the courses of research necessary to fully study the condition, and the resources necessary to implement research and review, a report shall be submitted to the County Resource Development Committee. The Committee shall coordinate its review of the subcommittee report with state and federal agencies and with interested citizens and citizen organizations. After coordination, the Committee will then decide whether further research and review is necessary or desirable, and either direct the Subcommittee to implement full research and review or to close its file.

e) If the Committee directs further action, the subcommittee will notify, in writing, all federal agencies exercising land management activities in Kane County, all federal agencies with responsibility under the Endangered Species Act, all federal agencies exercising land management planning activities in Utah, all state agencies exercising land or water management activities in Kane County, all conservation groups and groups of citizens interested in the multiple uses of the federally managed lands in Kane County of the County's initiation of the research and review process. An initial informational meeting will be included in the written notice.

f) The subcommittee will then conduct meetings, coordinate research efforts and review the condition, the problems presented to the ecological system, the necessity of corrective a action or actions, the alternative corrective action or actions which are possible, the impact of each of such alternatives on the balance in the ecological system, means of financing the alternatives and expected results of the alternatives.

g) If at any time during this process, the subcommittee believes that a Memorandum of Understanding to Establish a Working Group is desirable, it shall make such recommendation to the Committee, and if it concurs, the Committee shall make such recommendation to the

a) Disclosure in good faith of information regarding the particular purpose of the specific working group established by the MOU;

b) Efforts by the working group to secure funding from public or private sources to aid in pursuing the purpose of the MOU;

c) Regular meetings of the working group;

d) Continuing effort to identify and attempt to include all parties with a possible interest in the purpose of the MOU;

e) Establish and continue, to the extent possible, a comprehensive survey of the conditions of the ecological system and the species under study;
f) Develop and formulate an action plan to guide and coordinate the efforts of the working group;

g) Work cooperatively and coordinately to create and implement a management plan for the ecological system under study.

The County will seek the participation of all governmental agencies involved in the management of lands, water, and other natural resources in Kane County or in any such management activities which will impact Kane County, other adjoining counties which are impacted by events and actions in Kane County, citizens and groups of citizens who use the federally and state managed lands in Kane County, and citizens and groups of citizens who are interested in the natural resources of Kane County and their use.

When specific MOUs are executed, they will be attached to the Kane County Land Use Plan for the Federally and State Managed Lands, and will be considered part of this Plan.

2. CONSERVATION AGREEMENTS

The County may also study and support the development of Conservation Agreements through the program of the United States Fish and Wildlife Service, and/or conservation programs and/or agreements offered by other state and federal agencies and interested citizens and citizen organizations.

3. SPECIFIC ACTION PLANS

identify realistic, attainable objectives and the management strategies necessary to meet those objectives. Objective, reliable, and repeatable monitoring provides a measure of whether management goals and objectives are or will be met. Such data is also used to update vegetation inventory data which will be used for future planning.

B. GUIDELINES

Monitoring information on a single use, rangeland attribute or management action is of limited value; however, when combined with other information related to the resources in a management unit, it becomes useful. The situation to which monitoring will be applied, must be fully described in order to properly interpret the results of monitoring effort. Other pertinent information includes:

- climate, soil type, vegetation type and ecological status,
- historic and current recreational, wildlife and livestock use,
- weather records, water sources, natural barriers,
- cultural features such as fences, buildings, roads, water developments, power lines.

- legal jurisdictions such as private land, private water rights, rights of way, grazing preference rights, mining claims and state lands
- management designations for recreation, wildlife, wilderness study etc

C. PROCEDURES

Monitoring involves three levels of measurement, with each level providing significant input to the interpretation of results. In most cases all three levels are necessary for proper interpretation of results.

- use data indicating kinds of use, numbers of users and timing and frequency of use is needed, whether it be for recreational, wildlife or livestock use or a combination of these.

- situation data including natural disturbance factors such as climatic conditions during the year, floods, wildfire, off site water diversion, etc. along with data indicating any possible legal or jurisdictional conflicts, are needed for accurate interpretation.

- objective physical measurements of or photographic recordings of rangeland attributes are the final level and are necessary in order to provide consistency over

and objectives. Plans should set forth the responsibilities for obtaining monitoring data, the timing for collection of the data, and those who will receive copies of the data. Most importantly the plan should indicate how the collected data will be used or interpreted in assessing change toward or away from objectives.

Allotment Management Plans should have a monitoring section which sets forth the management objectives and the monitoring procedures for sampling techniques, site identification, shared responsibilities, time frame for completion and procedures for interpretation.

Records of visual observation that do not require actual measurement or photographic record are dependent on individual values held by the observer. As such values changes over time or observations are made by a different individual the results are of no value in assessing change toward or away from goals or objectives. Monitoring information must be based on objective measurement or hard data which can be adequately compared to previous or subsequent records. This is the only way in which true progress toward or achievement of management goals and objectives can be measured.

Seldom is it possible to measure completely, a single parameter such as production. Instead, estimates of production are based on statistical inference derived from specific sampling procedures. Sampling procedures are designed to provide information applicable only to a given method of statistical analysis. For this reason it is essential that the procedures be followed closely and that procedures not be changed from one sampling period to the next.

Management goals or objectives related to specific rangeland attributes influence the location of monitoring sites and the selection of rangeland or ecological attributes that should be measured. Classification of land into homogeneous units is necessary for accurate collection and interpretation of monitoring data. Unless the monitoring site relates directly to goals or objectives it will not provide usable information. Stratification of climatic soils and vegetation types allows the selection of monitoring sites which can more accurately reflect impact on management objectives. It is extremely important to select monitoring sites which reflect not only the management objective but the soils and vegetation types which apply to the management objective. Monitoring data can not be used to evaluate goals and objectives unless the site is located in a strata that is capable of accurately reflecting progress toward goals and objectives. Rangeland attributes to be monitored are dictated by management objectives. A goal to reduce erosion is not likely to be assessed by lengthy expensive attempts to measure soil loss. However, measures of ground cover or species frequency trend can indicate whether management actions are likely to produce a stable soil condition. Goals to achieve a given

Ecological Status (climax, high seal, mid seal, low seal) indicated the degree to which a site resembles undisturbed rangeland. It is of limited value unless the assessment is conducted over large area. It is normally not uses as a short term measure of change toward or away from goals of objectives due to the time and expense required for an accurate assessment. Often a goal or objective may set a high seal stage as the target in order to maintain a high level of diversity of both plants and wildlife. Acres of change toward a higher level is often used as a target for goals of objectives in specific area plans. However, the 20 year or longer intervals between such assessments do not allow for assessment of change in the. short term. Most often, trend studies are used to indicate direction of change toward such goals or objectives.

Weather data is extremely important for the interpretation of other range monitoring studies and data. Long term drought can shift a plant population toward more drought tolerant species or the opposite may occur with long periods of above normal precipitation. Short term studies for use mapping may be influenced by specific year and or specific area precipitation data. Water availability can affect use patterns by livestock as well as wild horses and wildlife. Variation in use patterns or perceived conflicts of use by these species may in fact be a result of short term weather patterns. Unless adequate data is available for both short and long term weather patterns, the interpretation of results from rangeland150 studies may not be accurate. Accurate assessments of management action impacts on wildlife, cannot be accomplished without having significant weather data available. Wildlife populations are dynamic in that they react to weather patterns that favor or hinder reproduction as well as winter survival.

Recreational uses also need to have weather data available in order to gain proper and accurate interpretation. Heavy snow years usually lead to increased snowmobile use. A single year record of such use may not indicate the continuous degree of use but merely the degree that was provided for by the weather. Similarly, hunting, fishing, hiking, rock hounding, sightseeing and other recreational uses are affected by access that may be enhanced or reduced due to weather patterns. River rafting is heavily impacted by weather patterns that control the water levels in rivers. In order to adequately assess recreational use goals and objectives, data must be available over a period of years, with weather conditions taken into account.

Public Lands

***Other** elements deemed appropriate.*

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.

FINDINGS

A) 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.

B) 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.

C) 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.

D) 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.

E) 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.

F) Incentives for increased public input into management planning for public lands and in

Public Lands
Key Issues

Kane County will be a partner in developing public land restoration standards.

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.

Stress the differences between National Recreation Area management and National Park management. The NRA is to foster recreation use. This implies the need to allow access into NRA lands.

Allow surface access to Llwellen Bench.

Develop three surfaced road accesses from Highway 89 into the Monument.

Construct well-marked trails and provide restrooms at trailheads or viewpoints found at the end of the paved road accesses.

Provide less-developed camping facilities at other locations.

Place the Monument Headquarters in Kanab, to be incorporated into an interagency visitor and research campus on the Kaneplex site.

Place visitor contact stations in Big Water and Glendale.

Allow mechanical access along the established system of RS2477 assertions.

Establish a Memorandum of Understanding which allows joint Kane County/BLM management and maintenance of Class B county roads. This will include a one mile wide corridor along the Class B roads.

Manage Off Highway Vehicles with a "limited access" strategy which closes some accesses to general use, but allows permit holders to utilize accesses within the constraints of permits or other authorizations.

Public Lands
Goals and Policies

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.

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.

Work with the National Park Service to develop further facilities, including boat access, at Lake Powell in the Llewellyn Gulch area.

Support the development of additional facilities at the North Rim of the Grand Canyon and encourage a longer season.

Work closely with federal land managers in the preparation of federal Resource Management Plans.

Reject federal attempts to impose integral vistas, Class I air attainment areas, buffer zones, critical habitat designation, and other means to further restrict uses of the small private land base in Kane County.

Implement a public awareness program designed to inform local citizens of the impact of federal regulations on the county.

The county will identify BLM parcels of land needed for community development purposes. These parcels will be noted in the Kanab/Escalante RMP.

The BLM will continue to allow the use of federal lands for Recreation and Public Purposes, to include access roads and parking areas in locations receiving tourist visitation.

Key scenic areas where tourist and local resident access is essential will be identified with the area BLM office and included on the General Plan Map.

accordance with the Congressional objective of preventing "economic disruption and harm to the western livestock industry". The Act (PRIA) mandates improvement of the rangelands in order to expand the forage resource and increase the resulting benefits to livestock and wildlife production. In the Federal Land Policy & Management Act (FLPMA) the Congress directs that the BLM administered lands be managed in a manner which "recognizes the Nations 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) Implement rangeland improvement programs, 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.

3) 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.

4) Identify and implement all possible livestock distribution, forage production enhancement, and weed control programs before seeking changes in livestock use levels.

5) Identify and initiate reductions in stocking levels, only when monitoring data demonstrates that grazing management supported by range improvements and specialized grazing systems, are not supporting basic soils, vegetation and watershed goals.

6) Assure that all grazing management actions and strategies fully consider impact on property rights of inholders, adjacent private land owners and state land lessees, and the potential impacts of such actions on grazing animal production.

7) Where monitoring history, actual use or authorization of TNR 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), initiate a process to allocate such use to permittees as active grazing

represents a range of variability for functioning condition.

Strategies:

1) 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....". 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, protect such vested rights. Utah Code guarantees the right to water livestock from in-stream flow. The Utah Code 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. The BLM 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."

Actions:

1) Develop site specific Best Management Practices (BMP's) through allotment management plans for those waters which have been specifically identified and documented as not meeting beneficial use. BMPs include but are not limited to:

2) Prescribed grazing systems, Off site water development, Shrub and juniper control, Livestock salting plans. Establishment of riparian pastures, Herding.

3) Develop and utilize standardized forms and procedures for all monitoring data related to riparian and aquatic, habitat, condition and trend.

4) Develop management plans for multiple recreation uses in high erosion hazard watersheds, or watersheds where accelerated erosion is occurring, which assure that planning documents and/or other agreements which alter multiple recreation use are formulated through coordination with the Kane County Resource Development Committee which includes Off Highway Motorized Vehicle recreationist representative groups.

Maintain, improve or mitigate 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.

Strategies:

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 (lOth amendment).

Actions:

1) Consult with the Utah Department of Wildlife Resources, all affected land owners, lessees and permittees to develop specific wildlife population targets, harvest guidelines, depredation mitigation and guidelines for future site specific management plans affecting upland, water fowl and big game habitat.

2) Conduct rangeland studies, pellet group plots, breeding bird transects and other appropriate studies to monitor wildlife relationships to available habitat as well as impacts of vegetation manipulation projects on wildlife.

3) Accelerate the 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.

4) Include considerations of wildlife habitat requirements in the design and reclamation of mineral development projects through approved Plan(s) of

Utilize, to the greatest extent possible, agricultural or 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.

Strategies:

Federal Land Policy & Management Act provides for effective use of the BLM administered lands by providing continuity of uses for roads, power, water, and natural gas. The Federal Land Policy & Management Act mandates multiple use of the 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.

Actions:

1) 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.

2) Develop an inventory of those BLM administered lands which should be disposed of in the public good and make available for further application for agricultural or mining purposes those lands currently under application or patent application that are relinquished or rejected.

3) 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.

4) Manage newly acquired lands and lands that have been returned to BLM

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. The Mining Law of 1866 guaranteed certain rights which allow for orderly and efficient use of the public lands for commerce.

Actions:

1) In coordination with federal agencies and state and local government planning agencies and in cooperation with interested members of the public, develop a land management mineral classification plan to evaluate, classify and inventory the potential, for locatable mineral, oil, gas and geothermal , and material mineral exploration or development, in Kane County to insure that lands shall remain open and available unless withdrawn through the NEPA process. Active areas, such as the Carson Mining District, will continue to be managed for their high mineral values.

2) 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.

3) Provide for mineral material needs through negotiated sales, free use permits and community pits.

4) Document all exploration activity and requests for and the issuance of patents through a system of tracking paper work associated with such activity

5) Determine the degree to which mineral exploration and development are occurring as compared to needs and potential for the County.

6) Determine whether the time required to obtain necessary permits and approvals is excessive.

In coordination with state and local government planning agencies, and in cooperation with interested members of the public, and the Kane County Resource Development Committee, develop and implement a Management Action Plan by

7) Maintain, review and make available to the public for analysis the data collected during annual monitoring site visits.

8) Periodically review changes in historical, cultural and paleontological site designations.

9) Analyze the site visit data to determine the degree of impact of multiple uses occurring on the site and develop mitigation measures.

10) Track the progress of recommendations for additions to the National Register of Historic Places.

11) Analyze the degree to which cultural resource management restrictions are affecting or limiting multiple uses of the public lands in Kane County.

12) Review the data provided to and on file with Kane County Resource Committee.

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

Strategy:

The Public Rangelands Improvement Act directs that the condition of the BLM administered rangelands be improved so that they become as productive as feasible for all rangeland values. The Federal Land Policy Management Act 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.

Actions:

1) Plan and implement selective timber and firewood harvesting programs where dead and/or decadent trees need to be removed to improve forest health.

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-l(c)(d). The Intermodel 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-road recreational vehicles, mechanized vehicles, horses and boats should continue to be available for their historical uses. These historically accessed areas include roads, trails, sandwashes, and waterways identified to the Kane County Clerk as Revised Statute 2477 rights-of-ways, including those areas where wild horses may be located.

Actions:

1) 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.

2) In compliance with applicable local, state and federal laws, identify specific areas for: national wild and scenic river system potential, 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

and or Federal lands management agencies.

12) 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.

13) 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.

14) Analyze data on multiple recreational use in areas with special use designations or which are under study for such designation to identify any adverse impacts on multiple recreational use.

15) Review data regarding implementation of the Americans with Disabilities Act and whether ADA implementation actions are adequate.

Seek immediate Congressional designation action on all WSA's and Wild and Scenic Rivers 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.

Strategy:

The Federal Land Policy and Management Act provides that the Secretary shall review BLM administered lands and recommend those which he finds 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

designated or being subjected to potentiality study for special designees such as a wild and scenic river, or wilderness.

9) In coordination with federal agencies and state and local government planning agencies, and in cooperation with interested members of the public, re-evaluate current VRM classifications within 3 years and every 10 years thereafter.

10) Compare current WSA acres and Wild and Scenic River mile recommendations with those remaining at the end of each decade.

11) Determine the extent of change in condition class and trends for watershed uplands and riparian habitat.

14) Compare management of released land and river miles for compliance with multiple use guidance provided in land use plans for adjacent land and the Federal Land Policy and Management Act.

In order to promote multiple use and release management agencies and affected land owners from the burden of an added layer of management, conduct an evaluation of all existing ACEC designations and release those that reflect changes from conditions existing at the time of designation and/or newly acquired information and data indicate they no longer qualify. Conduct NEPA and FLPMA statutory review individually on each new area proposed for designation as Areas of Critical Environmental concern.

Strategy:

The Federal Land Policy & Management Act, 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 and 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

4) Describe and document the special management attention which is necessary to protect the proposed area 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 quantify the manner in which such special management attention is expected to provide the needed protection.

5) In developing and implementing the ACEC Management Plan, and in conducting the ongoing evaluation of existing and proposed ACECs, take the following actions:

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

Use and observe the principles of multiple use and sustained yield set forth in federal statutory law.

Consider present and potential uses of the land and the impacts of special management on private inholdings, adjacent private lands and state leased lands.

Consider the relative scarcity of the values involved and the availability of alternative means and sites for realization of those values.

Weigh long term benefits to the public against short term benefits of the existing or proposed action regarding ACEC status.

6) Annually evaluate the status of the ACECs, the impact on multiple use by continuing the ACEC designation, and the adverse impact of such designation on the multiple use concept mandated by the Federal Land & Policy Management Act.

7) Where the NEPA process was not followed or changing conditions or new evidence indicates an area may no longer qualify as an ACEC, change the status from "existing" to "proposed" and follow the Objectives set forth above. If the determination is made that the existing ACEC no longer qualifies as an ACEC in accordance with federal statutes, then show the area as being returned to non-ACEC multiple use status.

8) Document the NEPA process which was followed in evaluating existing ACEC's

specific vegetation which includes air quality considerations.

4) Conduct prescribed burning at maximum allowed by Clean Air Act and State regulations.

5) Maintain records of both acreage and tonnage burned and compare to allowable values.

6) Review compliance with best management practices for point source emissions.
7) Review burn calculations and plans to assure that maximums are observed.

8) Evaluate conformance of prescribed burning plans with requirements and guidelines for air quality and smoke management being developed by the State of Utah.

9) Review Best Management Practices as necessary to assure applicability and compliance.

10) Review annually the backlog of prescribed burns and applications and requests for additional prescribed burns to incorporate them into the following year annual plan.

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 cover 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, crocodilians, 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, contains 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.

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
Semidesert	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

dissected sideslopes and alluvial fans and flats. Important vegetation for this area includes Indian ricegrass, galleta, big sagebrush, bitterbrush, pinyon 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, pinyon 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. This results in higher ersosion rates and less available water for plants, animals, and ground water recharge.

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

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 monument and on the Colorado Plateau. Surveys for relict areas conducted in surrounding National Park Service Units, and the factors contributing to the location of these relict areas, suggest the high potential for relict areas within the national monument. The locations of some of these relict areas are known, but 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 Southern Utah, including Grand Staircase- Escalante National Monument. 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. Further study is needed to determine the location of hanging gardens and the species diversity and distribution present in these hanging gardens.

Mosses, liverworts and lichens are vegetative life forms that have historically been overlooked due to there inconspicuous nature. This large group of organisms have been studied to some degree in other areas of Southern Utah, but little information about these organisms exists for the monument area specifically. 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 dryland 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 crusts do exist, this information is based on a limited amount of research. Much study is needed on the role of these organisms on in the ecosystem.

Wildlife

The county provides habitat for nearly 400 species of vertebrates and _____species of invertebrates. Some animals are migratory through the county and others are year around

Common Yellowthroat (*Geothlypis trichas*) SP

Roundtail Chub (*Gila robusta*) ST
Bluehead Sucker (*Catostomus discobolus*) SP
Flannelmouth Sucker (*Catostomus latipinnis*) SP

Allen's Big-eared Bat (*Idionycateris phyllotis*) SD
Big Free-tailed Bat (*Nyctainomops macrotis*) SP/SD
Brazilian Free-tailed Bat (*Tadarida brasiliensis*) SP/SD
Spotted Bat (*Euderm maculatum*) SP
Townsend's Big-eared Bat (*Corynorhinus townsendii*) SP/SD
Western Red Bat (*Lasuraius blossevilli*) SP/SDFringed Myotis (*Myotis thysanodes*) SD
Montane Vole (*Micraotus montanus*) SP/SD

Glen Canyon Chuckwalla (*Sauromalus obesus muliforaminatu*) SP/SD
California Kingsnake (*Lampropeltis getulus californiae*) SD
Utah Mountaain Kingsnake (*Lampropeltis pyromelana infralabali*) SP
Utah Night Lizard (*Xantusia vigilis utahensis*) SD
Southwestern Black--headed Snake (*Tantilla utahensis*) SD
Painted Desert Glossy Snake (*Arizona elegans philipi*) SD

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.

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. The 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. Recent concerns with wildlife habitat and other environmental issues has 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.

population..... 5,100
Percent born in state of residence.... 59.6
Foreign-born population..... 69
Entered the U.S. 1980 to 1990..... 23

E. LANGUAGE SPOKEN AT HOME

Persons 5 years and over..... 4,714
Speak a language other than English..... 200
Do not speak English 'very well'..... 56
Speak Spanish..... 76
Do not speak English 'very well'..... 19
Speak Asian or Pacific Island language.... 32
Do not speak English 'very well'..... 3

F. ANCESTRY

Total ancestries reported..... 6,394
Austrian..... 20
Czech..... 8
Danish..... 299
Dutch..... 164
English..... 2,615
French (except Basque)..... 168
French Canadian..... 31
German..... 779
Greek..... 17
Hungarian..... 19
Irish..... 565
Italian..... 84
Lithuanian..... 5
Norwegian..... 100
Polish..... 57
Portuguese..... 15
Russian..... 3
Scotch-Irish..... 190
Scottish..... 194
Slovak..... 6
Swedish..... 239
Swiss..... 54
United States or American..... 220
Welsh..... 34
Other ancestries..... 508

II. Income and Poverty Status

A. INCOME IN 1989

Households..... 1,728
Less than $5,000..... 136
$5,000 to $9,999..... 71
$10,000 to $14,999..... 189
$15,000 to $24,999..... 319
$25,000 or more..... 11,437

Per capita income(dollars)..... 8,721

B. INCOME TYPE IN 1989

Households..... 1,728
With wage and salary income..... 1,206

IV. Educational Information

A. EDUCATIONAL ATTAINMENT

Universe: Persons 25 years and over

Less than 9th grade..... 126
9th to 12th grade, no diploma..... 388
High school graduate (includes equivalency)..... 1,048
Some college, no degree..... 784
Associate degree..... 242
Bachelor"s degree..... 236
Graduate or professional degree..... 111

Percent high school graduate or higher..... 82.5
Percent bachelor"s degree or higher..... 11.8

B. SCHOOL ENROLLMENT

Persons 3 years and over enrolled in school..... 1,602
Preprimary school..... 82
Elementary or high school..... 1,362
Percent in private school..... 1.4
College..... 158

V. OCCUPATION

Employed persons 16 years and over..... 1,961
Executive, administrative, and managerial.. 163
Professional specialty occupations..... 248
Technicians and related support..... 15
Sales occupations..... 162
Administrative support, including clerical.. 190
Protective service occupations..... 35
Service occupations, except protective and household..... 363
Farming, forestry, and fishing occupations 80
Precision production, craft, and repair 283
Machine operators, assemblers, and inspectors..... 121
Transportation and material moving..... 181
Entertainment and recreation services..... 68

Professional and related services:
Health services..... 83
Educational services..... 194
Other professional and related services 64
Public administration 123

B. OCCUPATION

Employed persons 16 years and over..... 1,961
Executive, administrative, and managerial.. 163
Professional specialty occupations..... 248
Technicians and related support..... 15
Sales occupations..... 162
Administrative support, including clerical.. 190
Protective service occupations..... 35

Worked outside county of residence..203
Worked outside State of residence.....425

Appendix D
Economic Base Profile

Kane County is heavily influenced by three major sectors: Trade, Services and Government. Interestingly, all three sectors are growing proportionately as the labor force increases. For the most part, the labor force is increasing at a more rapid pace than the total population. It should be noted that virtually all of the growth in the government sector is occurring at the local government level, mainly in the school district. Full time agricultural employment is declining and is not a major factor in the total labor force dynamics in the county.

Kane County exhibits a very open economy. For example, the 1990 Census shows that over 21 percent of the county"s workers commuted out of state. An additional 10 percent commuted out of the county, but remained in the state. This is the second highest rate of out-of-county commuting in Utah. While total employment and population in Kane County continues to grow, income is not keeping pace. This condition is directly attributable to the major sectors of the economy. The trade, service and government sectors are not known for high wage rates.

CONCLUSIONS

1. The Kane County, Utah economy is heavily reliant upon three primary sectors: Trade, Service and Government.

2. The growth of the labor force is being uniformly allocated between the various sectors.

3. The county economy is very open, with many goods and services being obtained from St. George, Cedar City, Salt Lake City, and Las Vegas.

4. Wage levels are lower than state and national averages, but are somewhat misleading if government and manufacturing jobs are considered.

5. The county continues to grow in spite of cutbacks in the sawmill and mining jobs. This growth is coming in the service and trade sectors. It is probable that many laid off manufacturing workers have entered the labor market in the service sector.

Selected Statistics
for Kane County, Utah
Taken from the Regional Economic Information System 1969-1995
Compact Disk

	1970	1975	%	1980	%	1985	%	1990	%	1995	%
Total Population	2436	3437	*41.1*	4038	*17.5*	4692	*16.2*	5169	*10.2*	5858	*13.3*
Total Employment	1073	1278	*19.1*	1556	*21.8*	1811	*16.4*	2407	*32.9*	3000	*24.6*
Farm Employment	193	144	*(25.4)*	161	*11.8*	172	*6.8*	161	*(6.4)*	151	*(6.2)*
Mining	(D)	(D)	*n/a*	(D)	*n/a*	10	*n/a*	(D)	*n/a*	(D)	*n/a*
Construction	30	45	*50.0*	98	*117.8*	69	*(29.6)*	79	*14.5*	217	*174.7*
Manufacturing	92	66	*(28.3)*	80	*21.2*	78	*(2.5)*	103	*32.1*	76	*(26.2)*
Transportation and Public Utilities	(L)	70	*n/a*	160	*128.6*	35	*(78.1)*	89	*154.3*	61	*(31.5)*
Retail Trade	231	311	*34.6*	366	*17.7*	424	*15.8*	603	*42.2*	791	*31.2*
Finance, Insurance and Real Estate	17	65	*282.4*	69	*6.2*	63	*(8.7)*	(D)	*n/a*	135	*n/a*
Services	196	219	*11.7*	338	*54.3*	566	*67.5*	670	*18.4*	891	*33.0*
Federal Government	42	46	*9.5*	18	*(60.9)*	53	*194.4*	55	*3.8*	64	*16.4*
Military	26	28	*7.7*	24	*(14.3)*	37	*54.2*	42	*13.5*	34	*(19.0)*
State Government	n/a	n/a	*n/a*	48	*n/a*	56	*16.7*	57	*1.8*	58	*1.8*
Local Government	n/a	n/a	*n/a*	147	*n/a*	196	*33.3*	342	*74.5*	394	*15.2*
% of Retail Trade Personal Income from:											
General Merchandising	(L)	7.4	n/a	2.5	n/a	(D)	n/a	1.2	n/a	(D)	n/a
Food Stores	(D)	(D)	n/a	(D)	n/a	7.0	n/a	(D)	n/a	13.4	n/a
Service Stations	44.4	37.0	n/a	32.4	n/a	29.2	n/a	22.3	n/a	19.9	n/a
Eating & Drinking Places	33.2	32.1	n/a	33.8	n/a	39.6	n/a	39.7	n/a	37.4	n/a
Miscellaneous Retail	7.0	9.4	n/a	8.7	n/a	10.7	N/a	12.1	n/a	19.1	n/a
% of Services Personal Income from:											
Lodging	(D)	(D)	n/a	(D)	n/a	8.1	n/a	11.1	n/a	(D)	n/a
Business Services	(L)	(L)	n/a	(L)	n/a	(L)	n/a	0	n/a	0	n/a
Health Services	20.0	17.0	n/a	29.7	n/a	18.9	n/a	12.8	n/a	12.3	n/a
Membership Organizations	(L)	(L)	n/a	7.7	n/a	12.3	n/a	14.8	n/a	13.1	n/a
Miscellaneous Services	(L)	6.2	n/a	6.2	n/a	4.2	n/a	2.6	n/a	9.4	n/a

Appendix F
Traffic Counts and Description of Functional Classifications

Appendix H
Utah County Land Use Development and Management Act
Part 3 - General Plan

KANE COUNTY, UTAH GENERAL PLAN

for the Physical Development of the Unincorporated Area

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

Adopted June 22, 1998

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 General Plan Advisory Committee, Planning Commission and Board of County Commissioners. Mapping services were provided by Bush & Gudgell Engineering, St. George, UT and the Association of Governments. A number of consultants employed by Kane County also provided baseline information upon which this document is based. Funding used to prepare this document came from Kane County contributions, a grant from the Utah Local Government Planning Process Steering Committee administered by the Utah Governor's Office of Planning and Budget, a Cooperative Agreement between Kane County and the U.S. Department of the Interior for the development of a County Land Use and General Plan update, and a Planning and Technical Assistance Grant from the U. S. Department of Commerce, Economic Development Administration.

Key Issues 29
Goals and Policies 32

Environment 34
Introduction 34
Key Issues 35
Goals and Policies 36

Public Services and Facilities 41
Introduction 41
Key Issues 42
Goals and Policies 43

Rehabilitation and Conservation 44
Introduction 44

Economic Development 45
Introduction 45
Key Issues 46
Goals and Policies 49

Affordable Housing 53
Introduction 53
Existing Housing Supply 53
Need for Moderate Income Housing 53
Evaluation of Zoning Densities 53
County Program for Moderate Income Housing 54
Goals and Policies 55

Public Lands 56
Introduction 56
Findings 56
Purposes 57
Key Issues 58
Goals and Policies 60

Appendix A : Location and Setting 83
Geology 83

11. Areas of Critical Environmental Concern(ACEC) 134
12. Water Rights 135
13. Land Tenure 135
14. Energy And Mineral Resources 136
15. Cultural, Geological And Paleontological Resources 136
16. Rights of Way 136
17. Air Quality 137
18. Law Enforcement / Search And Rescue 137
19. The Continuing Process 139
Part III Threatened and Endangered Species process 140
A. Local Planning Under The Endangered Species Act 140
B. Research And Review Process 141
C. Implementation of Local Planning 143
Part IV Rangeland Monitoring 145
A. Purpose 145
B. Guidelines 146
C. Procedures 146
D. Monitoring Plans 147
E. Monitoring Rangeland Attributes 149

Appendix J: Minutes of Public Meetings and Hearings regarding the Kane County, Utah General Plan 151

Appendix K: Maps 152

List of Maps

Map 1 - Future Land Use Map
Map 2 - Administrative Ownership Map
Map 3 - Circulation Map
Map 4 - Planning Districts
Map 5 - Rights of Way Map
Map 6 - Administration Map
Map 7 - Topographic Map
Map 8 - Vegetation Map
Map 9 - Mineral Resources Map
Map 10 - Physiographic Map
Map 11 - Floodplain Map

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 over the past three years have responded to numerous surveys, interviews, and have attended many 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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Summary of Major Goals

Land Use

Unincorporated land uses will remain at densities which can be adequately serviced and which retain the qualities of a rural, open setting with uses not typically found in a town or city. Intensive, urban-scale uses will be directed to municipalities where basic services can be accommodated.

Transportation and Circulation

Kane County will take the lead in providing a safe, efficient and functional transportation system which emphasizes the circulation of residents and visitors between communities, as well as to the scenic wonders found in the county. The system will stress a wide range of transportation methods, and will be founded upon the ability of the county to utilize rights of way on public lands asserted under the authority of Revised Statute 2477.

Environment

Land use policies and regulations will recognize and respect the constraints which natural hazards present to human use. The presence of sensitive lands such as important watersheds and habitat for wildlife and livestock will also be reflected. Most importantly, the county will recognize that humans have been an integral part of natural systems in the region for over 10,000 years, and must continue to play an active role in the functioning of natural systems.

Public Services and Facilities

Kane County does not intend to become the provider of municipal-scale services or facilities. The county will play the role of facilitating the transmission and distribution of necessary services by entities created and financed by those using such services. Direct county services will continue to be limited to those which have a county-wide scope.

Rehabilitation and Conservation

The preservation of historic resources in Kane County has been the focus of many local and regional organizations. Kane County will continue to partner with such organizations in historic preservation projects, but does not intend to become a lead agency in historic preservation.

Introduction

"Planning" is a word which describes *an orderly combination of procedures designed to preempt problems with purposeful regularity.* This process of thinking ahead before engaging in an activity is a characteristic unique to human endeavors. The process of planning happens in many settings. Consider family budgeting, the construction of a home, or the development of a successful business. All require careful forethought and strategic actions to accomplish desired outcomes. Successful operation of local governments is no different. Those governmental entities which have established effective planning processes are typically those with the most sound financial base and satisfied constituents.

Kane County has a long history of active planning processes which have shaped the patterns of human activities on the land. This history began with the American Indian inhabitants who adapted their lifestyles to reflect the resources available to support their existence. Early Mormon settlers were devoted to the establishment of orderly, beautiful settlements characterized by wide streets on a grid system, and well-kept homes and businesses. For much of the late 19th and early 20th centuries, community development in Kane County was heavily influenced by local and general church authorities.

The complexity of life in Kane County began to change in the early 20th century, when a number of forces began to bring the area to the attention of outside interests. This process began with the discovery of the region as an excellent location for the filming of Hollywood westerns, which earned Kanab the title of "Little Hollywood"; continued with the growing popularity of the National Parks literally surrounding Kane County; and changed forever when the federal Bureau of Reclamation undertook the construction of Glen Canyon Dam on the Colorado River. More recent challenges include the unsuccessful proposal of the 1970's to develop a large coal-fired electrical generating plant and a new town on the Kaiparowits Plateau, the 1990's Anadalex coal mine proposal, and finally, the creation of the Grand Staircase - Escalante National Monument in 1996.

Such events spurred county leaders to undertake formal county planning processes. Some publications which document past planning in Kane County include *Kane County Master Plans (1970), Planning for Growth in Kane County (1976),* the *Kane County, Utah Master Plan (1980)* and *Kane County Amended Master Plan (1982),* as well as the *Kane County, Utah General Plan (1993).* Each of these past processes produced a set of policies and procedures which have directed the development of unincorporated lands. A key weakness in each process has been the lack of adequate staff resources to implement the plans, combined with rapid turnover in elected

Purpose and Scope

The Utah County Land Use Development and Management Act of 1992 is the enabling legislation adopted by the State Legislature authorizing county governments to undertake land use planning and management. The Act allows counties to:

1) Provide for the present and future needs of the county;
2) Plan for the growth and development of land;
3) Provide for health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, recreation, education and cultural opportunities;
4) Reduce the waste of physical, financial, or human resources;
5) Provide for the efficient and economical use, conservation and production of natural resources;
6) Encourage the conservation of energy and use of renewable energy resources; and
7) Protect urban development.

Each county is given the latitude to determine the comprehensiveness, extent and format of the General Plan. The legislation also includes suggestions for a number of elements which should be included in a General Plan. They include:

1) A **Land Use** element showing: 1) the general distribution of land; and 2) standards of population density and building intensity of lands used for:
   a) Housing; e) Recreation;
   b) Business; f) Public Buildings and Grounds;
   c) Industry; g) Open Space; and
   d) Agriculture; h) Other appropriate categories.

2) A **Transportation and Circulation** element showing the general location and extent of:
   a) Arterial, Collector and Local Streets;
   b) Mass Transit; and
   c) Other modes of transportation.

3) An **Environmental** element that addresses:
   a) The protection, conservation, development and use of natural resources; and
   b) Environmentally sensitive area protection and reclamation.

History shows that the base assumptions upon which land use policy is developed are continually shifting. A General Plan cannot remain static in an ever-changing environment. For this reason, the General Plan can be amended to reflect changing priorities. The amendment process requires careful consideration by both the County Planning Commission and County Commission, including a series of public hearings.

This document should be reviewed on an annual basis in a joint work meeting of the Planning Commission and County Commission. The meeting should be centered around the validity of policies laid out in the Plan, and a discussion of any adjustments which should be made. In addition, the Plan should undergo a comprehensive revision on a 3 to 5 year cycle.

The Kane County Zoning and Subdivision Ordinances are the officially-adopted methods by which the provisions of the General Plan are implemented. These ordinances have undergone a comprehensive review and revision as part of this planning process. The provisions of this Plan coincide with the purposes of the zoning and subdivision ordinances.

The State Legislature has also given county commissions the authority to appoint a Resource Development Committee pursuant to the authority of 17-25-267 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 Planning Commission. Both will advise the County Commission regarding planning and development issues in a coordinated fashion.

sections in each township, which has created a "checkerboard" of state lands scattered throughout the county. These lands are reserved for the purpose of providing the maximum amount of revenue possible for the purposes of the trust. They are not a public lands base reserved for general public interests such as recreation or wildlife habitat. They must be considered as part of the developable land base of the county, with more similarity to private lands than other public lands.

Agricultural Land Use

While agriculture has been an important base of economic activity in Kane County, the total amount of land devoted to agricultural pursuits is relatively minor. According to the 1992 Census of Agriculture, Kane County contained 136 farms encompassing 210,000 acres, or eight percent of the land base. Of those 210,000 acres, 12,000 acres was cropland, and less than 5,000 acres was irrigated. Most of the cropland was devoted to hay production (2,800 acres), with wheat (156 acres) and oats (64 acres) being the other common crops produced. About 60 acres were devoted to orchard production.

However, the majority of BLM and National Forest public lands have been included in livestock grazing allotments. In 1992, Kane County contained 106 cow/calf operations running over 9,500 head of cattle. There were also 18 sheep operations running about 6,000 head of sheep. While many of these operations are not the sole source of income for the operators, they are a vital tie to the traditional lifestyles valued by county residents and visitors. Much of the vegetation manipulation on both public and private rangelands is tied directly to overcoming impacts caused by past grazing practices, wildland fire suppression, or to improve the forage value for current livestock and wildlife use.

Residential Land Use

Less than one percent of the county land base is located inside incorporated communities. In 1990, the incorporated communities housed 85 percent of the population base, but contained only 54 percent of the total housing units in the county. This documents the large presence of seasonal dwelling units in the county, found primarily on Cedar Mountain and in the Deer Springs region below Bryce Canyon National Park. These areas are especially vulnerable to wildland fire. Other important unincorporated communities include Church Wells/Paria in eastern Kane County, and the housing complexes near Bullfrog Marina on Lake Powell.

Industrial and Commercial Land Use

Industrial and commercial land uses have been located at major highway intersections, and near established communities. Much of the existing commercial and industrial activity has been annexed into adjacent communities. Exceptions to this trend include the Kanab City airport and some adjacent land which remains unincorporated, and the lands in the vicinity of the Johnson Canyon intersection, which house the county's largest private employer.

Public Facilities/Developed Recreation Land Use

Most Kane County administrative and maintenance facilities have been located inside incorporated communities, mainly in the county seat, Kanab. The county commission is in the process of negotiating with public and private landowners to establish a large public complex to be called the Kaneplex at the southeastern edge of Kanab. This facility is envisioned as a major regional recreation center, location of a new law enforcement/jail structure, and the location of an interagency visitor facility.

Public Lands

With over 90 percent of the county land base in public ownership, the land use and management decisions of state and federal land managers weighs heavily on the use of the small private land base. Kane County officials must coordinate with the National Park Service, U.S. Forest Service, Bureau of Land Management, the Utah State School and Institutional Trust Lands Administration, and the Utah State Department of Natural Resources.

5) *The Church Wells/Paria District* - Including those lands between the Paria River and Glen Canyon NRA outside of the Grand Staircase - Escalante National Monument boundaries.

6) *The Johnson Canyon District* - Including those lands in the Johnson Canyon drainage outside of the Grand Staircase - Escalante National Monument boundaries, as well as the lands around US 89.

7) *The Deer Springs District* - Including those lands between the national forest boundary and the Skutumpah Road outside of the Grand Staircase - Escalante National Monument boundaries.

8) *The Bryce Canyon District* - Including those lands inside the national forest or Bryce Canyon National Park east of the private lands surrounding Alton.

9) *The Kanab District* - Including those lands in the Kanab Creek and tributary drainage.

10) *The Long Valley District* - Including the East Fork of the Virgin drainage to Mt. Carmel Junction.

11) *The Alton District* - Including those private lands surrounding Alton from the county boundary on the north to the public lands on the south.

12) *The Moquith Mountain/Parunuweap District* - Including the lands south of State Highway 9 and west of the Cottonwood Canyon drainage.

13) *The North Fork District* - Including those lands north of State Highway 9 outside of the national forest.

14) *The Duck Creek/Navajo Lake District* - Including those lands inside the national forest boundary west of the private lands surrounding Alton.

These districts will serve as a means to focus more directly on the specific needs and challenges presented in the districts. They can also serve as the focus of any future formal district organizations which might be pursued under the provisions of state law.

open space.
Lands which do not contribute significantly to the agricultural base will be recognized as potential low density residential areas.

The recreational uses of the high forests must also be recognized and treated as a separate land use with a different set of constraints, including wildland fire and levels of required services.

Acknowledge the Distinction between Forest/Recreation Uses and Multiple Use Range Uses

The 1980's versions of Kane County plans lumped the forest areas of the county with the rangelands of the county, and designated all as "multiple use". This has been a major concern to the owners of forest lands, as well as to ranchers. Many feel that the "multiple use" designation was meant to apply only to public lands. Recent discussions have lead to the conclusion that a distinction must be made between public and private forest lands, public and private rangelands, and irrigated croplands.

Protect the Limited Irrigated Cropland Base

The 1992 Census of Agriculture notes that only 12,296 acres of land (one-half of one percent) in Kane County is in farms. Only 5,000 acres (0.2%) are irrigated. This limited, valuable land base is threatened by conversion to other uses.

Recognize the Constraints to Development Caused by the Natural Environment

Just as the lack of financial resources constrains the development of land, so does the physical layout of the land present limitations on land uses. The presence of flood plains, steep slopes, unstable soils, faults, and similar physical constraints must be recognized as legitimate reasons for the restrictions of allowable land uses.

Develop a Systematic Wildland Fire Protection System

The remote nature of many structures in the unincorporated area, combined with the presence of significant vegetation, creates a serious wildland fire interface. As such development continues, the need to protect private investments and residents is vital.

Kanab Creek Road; Hwy 89 and Hwy 14(Tod's Jct); Hwy 14 at east entrance to Zion N.P.

Activity : The Zoning Ordinances will determine the standards for commercial uses.

Agricultural Land Uses

Goal Statement:

Ensure the retention of a viable and vibrant agricultural base by preserving appropriate areas for permanent and temporary agricultural and open space uses. Do not allow uses adverse to the continuance of agricultural activities.

Strategy: Encourage the establishment of Agriculture Protection Areas as authorized by state law.

Transportation and Circulation
Key Issues

Validate the R.S. 2477 Rights of Way identified by Kane County

The set of assertions regarding the RS 2477 rights of way in Kane County have been filed with appropriate federal authorities. The RS 2477 issue is under deliberation at the highest levels of the Department of the Interior. It is also under litigation as of April 1998. The resolution of this controversy is a key to the ability of the county to manage transportation.

Establish Common County Road Improvement Standards

The implementation of a common set of road design and engineering standards will allow the county to anticipate road improvement costs, and will allow federal land managers to anticipate county right of way and maintenance needs.

Support Initiatives for Interstate Highway Route Planning and Development

Kane County has been involved with a nation-wide effort to study the feasibility and to locate a corridor for the construction of a new interstate originating in St. Louis, MO, and terminating at I-15. The existing bridge crossing the Colorado River at Marble Canyon is the only feasible crossing for the route. One possible alignment from that point would follow the current US 89 through Kane County.

Promote "Scenic Route", All Weather Road Connections to Major Highways

Past tourism promotion efforts have emphasized a "windshield tourist" pattern, where visitors quickly drove through the county on their way to other destinations. Very few visitors made use of the narrow, unsurfaced backcountry roads for scenic drives. A key part of current efforts to increase destination tourism is to provide a series of backcountry drives on roads which are upgraded to a safe, all weather condition. The circulation map designates such routes.

Initiate a Memorandum of Understanding with the BLM and Forest Service which will

While the Kanab airport contains the only paved airstrip in the county, a number of unpaved airstrips with little or no improvements have been established at various locations in the county. These airstrips include:

a) Swains Creek
b) Bryce Woodlands
c) Strawberry
d) Clear Creek (Flying LD)
e) Johnson Canyon (Smith)

The Big Water area is also considering the potential of locating and airstrip in that vicinity.

Transportation and Circulation Goals and Policies

Kane County will take the lead in providing a safe, efficient and functional transportation system which emphasizes the circulation of residents and visitors between communities, as well as to the scenic wonders found in the county. The system will stress a wide range of transportation methods, and will be founded upon the ability of the county to utilize rights of way on public lands asserted under the authority of Revised Statute 2477.

Establish the following criteria to evaluate capacities of roadways

- **Roadways will receive nine to 12 percent of the Annual Average Daily Traffic (AADT) generally between 4:00 and 6:00pm.**

- **An adequately constructed two-lane paved roadway will handle 1,600 to 2,000 vehicles per hour per direction when there are not traffic signals present.**

- **The maximum traffic occurs during the month of July and is approximately 35 percent higher than the AADT. Holidays and some weekends can experience traffic volumes 200 to 300 percent higher than the AADT.**

- **A well-graded unpaved road with proper drainage and sight distance is adequate for vehicle traffic less than 50 AADT.**

- **Traffic ranging from 50 to 200 AADT warrants the construction of a gravel road base with improved drainage.**

- **Traffic ranging from 200 to 400 AADT warrants minimal hard surfacing, normally not less than 24 feet of hard surface with gravel shoulders to prevent pavement deterioration.**

- **Traffic volumes exceeding 400 AADT warrant compliance with minimum Utah Department of Transportation standards, which include 4 to 8 foot paved shoulders and passing lanes where steep grades warrant.**

Kane County will pursue a Memorandum of Understanding with all affected

Environment

*An **Environmental** element that addresses:*

a) The protection, conservation, development and use of natural resources; and
b) Environmentally sensitive area protection and reclamation.

Introduction

Kane County encompasses over 2.6 million acres of the western side of the Colorado Plateau. Regionally, the county is divided into four broad landscapes known from northwest to southeast as the High Southern Plateaus, the Grand Staircase, the Kaiparowits Plateau, and the Colorado River Canyons. These landscapes 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 Pansugant Plateau.

The county provides habitat for over 400 species of vertebrates and 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. 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. Theses water systerns are the main habitat for most of the identified species of birds.

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).

Environment
Goals and Policies

Land use policies and regulations will recognize and respect the constraints which natural hazards present to human use. The presence of sensitive lands such as important watersheds and habitat for wildlife and livestock will also be reflected. Most importantly, the county will recognize that humans have been an integral part of natural systems in the region for over 12,000 years, and must continue to play an active role in the functioning of natural systems.

Appoint a County Resource Development Committee pursuant to the authority of 17-25-267 of the Utah Code. The Committee will promote the development of the county's mineral, water, manpower, industrial, historical, cultural and other resources and make recommendations to the County Commission. Ex-Officio membership should be offered to representatives of the Bureau of Land Management, National Forest Service, and National Park Service.

Kane County will be a proactive participant in commenting on and developing federal environmental regulations which affect the county's land base.

Priorities for water development are:

i) Reservoir sites inventoried by the Kane County Water Conservancy District should be located on the General Plan Map..

ii) The Water Conservancy District will be the primary agency involved with water resource development in the county.

iii) Kane County will become involved and comment on any actions taken by the Washington County Water Conservancy District which impact lands in Kane County. Kane County will work with Washington County in responding to out-of-state efforts to develop water resources in the area.

iv) Water right application procedures and development potentials should

AMPs and/or trend monitoring data based on rangeland studies in accordance with trend monitoring completed at five (5) year intervals following implementation of AMPs.

4) Assure that adjudicated grazing preference held by permittees is authorized according to the governing Federal statutes and that Temporary Non Renewable use is authorized in a manner that allows for use of excess forage when available.

5) Develop prescribed fire and wildfire management plans to re-establish historic fire frequencies for appropriate vegetation types and include in such plans livestock grazing techniques as a tool for fire fuel management related to both wildfires and prescribed fires.

6) Include within, fire line and site rehabilitation plans, native or exotic vegetation capable of supporting watershed function and habitat for wildlife and livestock.

7) Develop grazing management plans following wild or prescribed fire through careful and considered consultation, coordination and cooperation with all affected permittees and affected landowners to provide for use of grazing animal management to enhance recovery.

8) Develop and implement an aggressive juniper and shrub abatement and control plan for all sites where invasion is adversely affecting desirable vegetation and or wildlife.

9) Develop surface disturbance mitigation plans on soils with a high or very high erosion hazard rating within plans for multiple recreation use, road building, timber harvest, mechanical range treatments, prescribed fires, range improvements and vegetation manipulation.

10) Develop and implement a Management Plan for wildlife through consultation with appropriate wildlife control agencies to prevent and minimize vegetation deterioration and soil erosion caused by wildlife.

11) Apply State of Utah approved noxious weed control methods through integration into all planning efforts to prevent the invasion of noxious weeds and to improve the ecological status of sites which have been invaded by weeds in coordination with the Kane County Weed Control Program. (Includes burning,

9) Determine the degree to which wild horse use and movement as well as wildlife activity is impacting soil and vegetation resources and modify management plans accordingly.

Public Services and Facilities
Key Issues

Kane County will NOT become a provider of Municipal-Scale Services

Eastern Kane County is in need of Additional Landfill Sites

Kane County will cooperate with major utility providers, including but not limited to power, natural gas, water, telephone, fiber optics, to establish necessary utility corridors.

Locate existing and proposed corridors for water and other utility transmission.

Kane County will require all major developers to analyze the impacts of proposed development on the county's budget.

Rehabilitation and Conservation

*A **Rehabilitation and Conservation** element providing for:*
a) Historic preservation; and
b) Redevelopment potential.

Introduction

The preservation of historic resources in Kane County has been the focus of many local and regional organizations. Kane County will continue to partner with such organizations in historic preservation projects, but does not intend to become a lead agency in historic preservation. Conservation efforts will focus on the rehabilitation of the land base in order to improve the functioning of natural systems for the benefit of residents and visitors.

Economic Development
Key Issues

Local Area Leadership

The county must foster an environment for effective formal and informal leadership that focuses on vision, communication, effectiveness and respect. Leaders must champion responsible economic development which enhances the quality of life and preserves unique scenic and natural beauty.

Recreation

Instead of relying on seasonal recreation activities, the county must capitalize on year-round events.

Arts and Cultural Opportunities

Local events which attract outside talents and provide opportunities for local talents to be exported must be encouraged.

Education

Kane County residents desire an educational environment which allows life-long learning opportunities for all.

Crime

As the county continues to grow and develop, residents want to see a proactive partnership between law enforcement and the communities. The partnership must be built upon respect, trust and confidence.

Environment

Kane County is home to many astounding scenic qualities and clean and tidy communities. This sense of personal and community pride as stewards o the land must be fostered.

The ability to utilize the natural resources of the county in a responsible manner without undue political interference. This utilization can occur without impairing the scenic quality treasured by both residents and visitors. Access to scenic lands should be made available to those who will treat the lands with respect and honor.

Quality of Life

Quality of life in Kane County is based upon the following traditional values: neighborliness, kindness, respect, honest, and helpfulness. A vibrant mix of young, middle-aged, and seniors will help maintain this quality of life.

Attract or Develop Self-Sustaining New Business which provide Quality Jobs

Actions: Foster businesses related to the Grand Staircase Escalante National Monument by establishing an entrepreneurial center, micro lending agency and a central travel planning and reservation program. These programs to be coordinated between Economic Development and Travel Council organizations under the direction of the Kane County Board of Commissioners.

Actively secure administrative and other servicing offices and for the national monument be located in Kanab.

Develop a stock of commercial buildings.

Explore the feasibility of scheduled airline services.

Explore the feasibility of natural gas service.

Identify industries which have the best fit for Kane County.

Build a local venture capital base.

Develop a network of business contacts who can assist in business recruitment.

Encourage the establishment of small-scale forest product and mineral based businesses

Investigate solar energy options.

Develop and Maintain an Infrastructure that can Support a Robust Economy

Actions: Assist in developing a regional industrial park in Kanab.

Direct business to locations with sufficient public services.

Support the preparation of a Tourism Development Plan which includes a Vision Statement and written goals and objectives.

County Program for Moderate income Housing

Kane County will continue to recommend that urban scale uses locate inside incorporated communities where services can be provided. Unincorporated residents will be permitted to utilize most types of housing which meets health and safety codes. The county will not deny housing units based upon value, but rather upon safety and health considerations.