

RESOLUTION # 15-14

**A RESOLUTION OF THE DAGGETT COUNTY, UTAH COMMISSIONERS
CALLING ON THE CONGRESS OF THE UNITED STATES TO PASS UTAH
CONGRESSMAN ROB BISHOP'S BILL COMMONLY KNOWN AS THE UTAH
PUBLIC LANDS INITIATIVE, CONSISTENT WITH THE TERMS LISTED
HEREIN:**

WHEREAS, Daggett County has been invited by Utah Congressman Rob Bishop to participate in the "Public Lands Initiative" and make recommendations regarding the designation of federal lands within Daggett County; and

WHEREAS, Daggett County contains 447,902 acres of land; and

WHEREAS, Daggett County already contains 78,995 acres of the Flaming Gorge National Recreation Area, which constitutes 17.6 percent of the total land area in Daggett County; and

WHEREAS, 54.7 percent is managed by the US Forest Service, of which an estimated 209,812 acres are managed as roadless under the inventoried roadless area conservation rule, 25.4 percent is managed by the Bureau of Land Management, of which 56,380 are WSAs or wilderness reinventory, and another estimated 200,000 acres are being managed as lands with wilderness characteristics, and about 8.9 percent by State agencies; leaving only 11 percent of Daggett County as private land, which remains critical to the County's ability to sustain an economy and support its residents; and

WHEREAS, the scarcity of private lands in Daggett County decreases the County's ability to generate revenue to fund local services and leads to a dependence on multiple use of federal lands to achieve the economic base to support local families; and

WHEREAS, Daggett County's previous disproportionate contribution to the federal land system should be recognized in the Public Lands Initiative; and

WHEREAS Daggett County adopted a General Plan Update and Regional Planning Guide in 2008, which establishes direction for all land uses in the County and identifies the need for economic development to generate jobs and sources of revenue; and the HB 323, adopted March 30, 2015, requires each county to adopt a resource management plan that addresses key resources, including but not limited to air, water quality, mineral development, livestock grazing, energy, forest management, water rights, wilderness, noxious weeds, and land access; and

WHEREAS, Daggett County has established a Public Land Use Committee that serves as an advisory committee to the Commission, consisting of citizens with backgrounds in Agriculture, Economic Development, Energy & Minerals, Natural Resources, Recreation, Timber Resources and Water Resources; and

WHEREAS, Daggett County recognizes that its citizens and public officials, as well as business interests operating in the County, are uniquely qualified to identify and analyze the potential effects of federal land use designations within Daggett County and therefore requests that Congress give substantial deference to the recommendations made by Daggett County over those of special interest groups with no connection to or standing with the County; and

WHEREAS, Daggett County recognizes that land management in this County will affect the economic, business, and municipal interests in the adjacent counties and bordering states of Wyoming and Colorado, and has endeavored to coordinate with surrounding Counties and recognizes that wilderness in adjacent counties and non-wilderness in Daggett County may lead to confusion and conflicts for federal land managers and federal land users in the future; and

WHEREAS, Daggett County expressly acknowledges that wildfire on the north slope of the Uinta Mountains and elsewhere in Daggett County could severely impact air quality in the region which would also impact oil and gas, and other development activities in Utah, Wyoming, and Colorado; and

WHEREAS, the Daggett County Public Land Use Committee has conducted several public meetings culminating on May 18, 2015 with a Daggett County Commission Public Hearing to review the Advisory Committee's and the County's response to Congressman Bishop's invitation to participate in the Public Lands Initiative, and prepared a recommendation to the Daggett County Commissioners which it believes will best protect sensitive areas, including areas that would benefit from designation as wilderness and to protect natural resources and provide for improved management of at risk watersheds and wildlife habitat, while balancing the historic and ongoing use of lands for agricultural, commercial, educational, industrial, and recreational purposes and promoting to the greatest extent possible, multiple use of federal lands; and

WHEREAS, the Daggett County Commissioners believe that amending the designation of certain federal lands will be beneficial to the citizens of Daggett County as it will protect the custom and culture and natural resources, protect private property rights and benefit citizens, businesses and visitors who use federal lands for agricultural, commercial, educational, industrial, and recreational purposes; and

WHEREAS, public comments received previously and at the May 18, 2015 Public Lands Advisory Committee meeting were in support of the creation of new wilderness designations in Daggett County while other public comments would balance wilderness designation with providing for and protecting the economy, custom and culture of the County residents, assuring present and future access to state and federal lands, providing for procedures and means to prevent or limit at risk watersheds from wildfire, and providing for future development and enhancement of water resources.

NOW, THEREFORE, BE IT RESOLVED by the Daggett County Commission, that the following recommendations be made to Congress as Daggett County's conditional participation in the Public Lands Initiative:

SECTION 1. An extension of the High Uintas Wilderness Area may connect to designations in Uintah, Summit and Duchesne Counties, shall be established in Daggett County as shown on the Map identified as **Exhibit A**, attached hereto and incorporated herein by reference. Management of this wilderness area by the U.S. Forest Service shall be consistent with this resolution.

SECTION 2. Facilitation of Land Exchange from BLM to SITLA; those lands known as the Clay Basin Natural Gas Storage Unit amounting to approximately 8,000 acres to include surface mineral rights. Subject to the Daggett County policy of retaining the current pattern of state land ownership, those lands administered by the BLM in Clay Basin, Daggett County, identified as **Exhibit B**, are to be transferred to and held in trust by Utah State and Institutional Trust Lands Administration. The land exchange shall specifically provide that existing federal grazing permits will be converted to state grazing leases for a 15-year term. The land exchange shall occur using SITLA lands from other Counties who are willing participants in the Public Lands Initiative. No SITLA lands within Daggett County shall be utilized to facilitate the Clay Basin exchange, thus increasing the amount of SITLA acreage, while maintaining the existing land ownership patterns within the County. The Daggett County Commission will work closely with SITLA in the implementation of this exchange.

SECTION 3. In exchange for the establishment of the wilderness area listed in Section 1 above, and in recognition of Daggett County's 1968 contribution of 78,995 acres of land to the national recreation system and 245,000 acres of National Forest reservation, the Daggett County participation in the Public Lands Initiative is conditioned upon all of the following:

A. Vernal RMP. The environmental groups that filed suit against the Vernal Resource Management Plan of 2008 shall withdraw this lawsuit and refrain from filing future lawsuits challenging the Vernal RMP.

B. Special Designation Areas. The proposed wilderness designation under the Public Lands Initiative in Daggett County or management agreements executed as part thereof, is hereby referred to as “special designation area” and is, without qualification, subject to and controlled by the terms below.

Special designation areas do not include, and all parties expressly disclaim designation or creation of any protective perimeter or buffer zone around any special designation area, including wilderness. That activities or uses can be seen or heard from within special designation areas shall not preclude such activities or uses up to the boundary of the special designation area.

C. Hard Release and no Future Consideration of Special Designation Areas. If any land is designated as a special designation area as part of the Daggett County Public Lands Initiative, all other lands in the County shall be released in perpetuity from any further consideration as wilderness, wilderness study areas, roadless areas, national monuments, national parks, national wildlife refuges, national conservation areas, areas of critical environmental concern, federal Antiquities Act designations or other protective management classification unless the express written consent by resolution of the Daggett County Commission is obtained.

No portion of Daggett County shall be part of the so-called “Red Rocks Wilderness.” The above lands and land classifications shall not be managed for the purpose of protecting their suitability for wilderness designation or their wilderness character and shall remain available for non-wilderness multiple uses, subject to the requirements of applicable state and federal laws.

The parties expressly acknowledge that no further consideration for wilderness or wilderness character of the lands in the County is necessary and all other lands classified as having wilderness characteristics or being roadless are to be released. Congress shall find that the lands to be released do possess outstanding energy, mineral, timber, grazing, dispersed recreation, and other values which should be available for multiple use management in accordance with applicable federal and state laws.

D. Active Management of Federal Lands in Daggett County. All federal lands in Daggett County must be actively managed for water, soil, vegetation, timber, mineral, power production, livestock, and wildlife values in Daggett County, access to land and resources and for the transportation of goods and services in and through the County and shall apply specifically to those lands identified as at risk for wildfire or to lands requiring additional intensive management to improve habitat conditions. This authority shall include a full range of management methods including mechanical, chemical, agricultural, and other not yet developed techniques. The Forest Service and Bureau of Land Management shall promulgate new rules and guidelines to conform to this section.

E. Grazing. The federal lands in Daggett County shall be actively managed by local,

state and federal agencies to preserve valid existing rights and all grazing rights. Grazing permit holders and other affected parties may employ a full range of management techniques, including, but not limited to, mechanical, chemical, agricultural, natural, or other methods as deemed necessary. Permittees, local, state and federal agencies, as stewards of federal lands, including special designation areas, shall fully cooperate and coordinate management efforts to ensure that water, soil, vegetation, timber, mineral, recreation, wildlife, and other resources are properly managed in a cohesive and collaborative multiple use stewardship effort.

F. Grazing Renewal. Livestock grazing shall be entitled to continue as a valid existing right and shall be entitled to renewal consistent with the following:

1. Grazing levels and seasons of use shall remain at the same level per permittee when the affected allotment is designated as a special designation area. Grazing levels may increase upon monitoring data developed for a minimum of five (5) years showing that there is additional forage and the proposed increase in grazing will not adversely affect vegetation resources.

2. There shall be no reductions in grazing numbers of both active and suspended AUM's or in the season of use in special designation areas simply because an area is, or has been designated as such, nor should any special designation be used by administrators to end or phase out grazing. Any changes in grazing use shall only be temporary AUM reductions due to drought or other natural occurrences and shall be based on monitoring data of at least five (5) years duration from studies designed to measure change over time and which document a causal link between livestock grazing and resource deterioration.

No permanent grazing reductions shall occur if the data fails to show that livestock grazing is a causal factor and does not distinguish livestock impacts from those of wildlife or natural forces, such as drought, wildfire or flood, or other activities, such as recreation or failed reclamation of disturbed areas. All monitoring and assessments shall be conducted jointly with the permittees and the state and federal agencies in any affected allotment.

3. The administration of grazing permits shall include the right to access the allotments and private lands using motorized vehicles, if applicable, and to apply the same full range of active management techniques on all range improvements including roads and trails as in any non-special designation area. The term "administration" is not limited to the grazing season and includes access to check on the status of range projects and range resource conditions, research and monitoring, maintenance, repair, construction, reconstruction, and installation of range improvements, trailing and moving livestock according to existing allotment management plans or established grazing practices. Special designation areas in no way limit administration of grazing permits.

4. Grazing permits shall be fully transferrable under the same laws, rules, and policies that apply to transfers of grazing permits located in non-special designation areas.

5. Special designation areas shall not be managed to give priority or preference to

wildlife populations or wildlife habitat over livestock grazing. Livestock grazing permits shall not be reduced, discontinued, or suspended due to Greater Sage-Grouse, big horn sheep populations, existing, introduced, or reintroduced elk, moose, mule deer, mountain goats, wild horses, buffalo, or any other wildlife species.

6. Livestock permits shall be renewed for a term of ten (10) years according to existing terms and permits consistent with the above or incorporation of new regulation changes that lengthen the term of the renewal.

G. Active Management of Vegetation. Permittees, landowners, local, state, and federal entities shall cooperate, consult and coordinate in the development and implementation of vegetation management programs and activities using a full range of management tools and techniques including, but not limited to, mechanical, chemical, agricultural, natural, or other methods as deemed necessary by the permittee, local governments, and other affected parties.

The County expressly acknowledges the unhealthy state of the forest and timber resources in the County and agree that proper management of that resource, as well as the myriad resources that will be adversely affected by catastrophic wildfire requires logging, motorized access, mechanical and chemical treatments, as well as monitoring, thinning, reclamation, and seeding.

Vegetation management shall also include all available methods to control nonnative, noxious and invasive plant species.

H. Active Management of Wildlife and Fish Habitat and Population. In accord with the active management principles noted above, permittees, local, state, and federal entities shall be entitled to engage in a full range of active habitat management practices, including those vegetation treatments discussed in Section F above, as well as installation of physical water guzzlers or troughs, gates, fences or other improvements for the purpose of benefitting fish or wildlife habitat.

Motorized vehicle access and the use of mechanical equipment shall be permitted in the establishment of improvements for the purpose of benefitting fish or wildlife habitat.

Habitat improvement and vegetation management shall include reduction in fuel loads, removal or control of invasive or non-native species and removal of decadent or undesirable vegetation to improve habitat or biological diversity.

Active management programs and activities to address at risk watersheds and habitat conditions will not impair or impede predator control and a full range of methods shall be used to protect and actively manage wildlife and livestock in this effort. Areas established in County plans for habitat management, such as for the Greater Sage-Grouse, will be counted as conservation for mitigation for other projects.

Prior to listing any species as threatened or endangered pursuant to the Endangered Species Act, the U.S. Fish and Wildlife Service and the parties to the Daggett County Public Lands Initiative agree to exhaust all potential conservation efforts to prevent

listing of the species. Conservation efforts may include, but are not limited to, Conservation Plans or Conservation Agreements between federal agencies, the state, and private landowners and permittees.

All Conservation Plans and Agreements must be granted a minimum term of ten (10) years to show improvements in habitat or population numbers. Demonstrable improvement will automatically extend the agreement for an additional five (5) year period until the species is stable. The MOU with the Animal and Plant Health Inspection Service (APHIS) will be acknowledged and used for predator control. The U.S. Fish and Wildlife Service will acknowledge this authority and accept state management of wildlife under its sovereign rights.

I. Active Management to Address Forest, Woodland, and Range Habitat.

Notwithstanding creation of a special designation area and for all federal land in accordance with the conservation principles set forth above, a permittee or local, state or federal agency shall coordinate and cooperate in the development and implementation of management activities and employ a full range of management techniques to protect water development, including domestic and agricultural water resources, as well as water storage and diversion facilities, to improve water resource yields, to maintain water quality, and to provide for habitat health to prevent or limit wildfires in order to address current at risk conditions in Daggett County and to limit or prevent wildfires. These activities to address conditions that are classified as at risk shall be counted as conservation use for mitigation of impacts from other projects in the County.

Local, state and federal agencies and landowners responding to wildfire shall be allowed to use motorized vehicles, mechanical equipment and any other means necessary to protect watersheds. Active management shall make fire suppression and control a priority to protect water quality and water quantity. Fire plans shall be written in consultation, cooperation and coordination with the County, landowners, state and federal agencies and shall establish priorities and protocols for wildfire prevention, response, suppression, and control.

J. Water Rights. No special designation areas shall include any water rights or the presumption of a water right, whether reserved, unreserved, absolute, conditional, or otherwise for any purpose relating to said special designations.

Nothing in the Public Lands Initiative legislation shall have any impact on the certification, development, use, change, maintenance, or expansion of water rights to any existing or future use or permit as allowed by Utah State Code within a special designation area, whether such rights are held by a person or other entity.

No special designation area shall impair or impede construction of facilities to develop, divert, change, store, apply, or otherwise use a water right.

Canals, ditches, springs, and all other water structures must be accessible to motorized vehicles and equipment for maintenance and protection purposes.

All canals, ditches, and water structures shall be protected by an adequate buffer of at least one-half mile on either side of the center of the canal, ditch, or structure. Management prescriptions associated with special designation areas shall not conflict with such protection areas.

Stock ponds, watering holes, fencing, or the placement of troughs on springs shall be considered improvements.

Nothing in the Public Lands Initiative legislation shall be construed to take or reduce the State of Utah's sovereign authority over all waters within the State and to make and enforce all laws, rules or regulations or Utah's rights and authority pursuant to the Colorado River Compact of 1922.

K. Transportation. All roads, two-tracks, historic trails, and other historic means of access in the County, located within, bordering, or accessing federal lands will continue to be open and accessible by all methods of travel, including motorized vehicles and shall not be closed, obliterated, gated, or blocked without the prior approval of the Daggett County Commission. This provision is consistent with the active management policies of the special designation areas within the Daggett County Public Lands Initiative and is necessary to facilitate use of the full range of land management tools.

Pursuant to the Act of July 26, 1866, Chapter 262, Section 8, Stat. 251, 253 codified at 43 USC Section 932, and protected in FLPMA, 43 U.S.C. §1702, n. 701(g), all public trails, roads, livestock byways, and other rights of way shall remain open and accessible to historic uses and shall not be closed, obliterated, gated, or blocked without the prior approval of the Daggett County Commission.

Congress shall recognize all Daggett County R.S. 2477 claims on public roads crossing federal lands in the County.

Congress shall allow for motorized travel in all new wilderness in Daggett County for the purpose of search and rescue in the event of an emergency.

L. Recreation Uses. All existing recreation uses, including hunting, fishing, and off-road vehicle travel, snowmobiling, and cycling shall continue to the same degree and in the same manner. Such continued right of use shall include the use of motorized vehicles and mechanical equipment along all existing roads and trails.

Dispersed camping shall be allowed within 600 feet of roads to provide an adequate buffer between campsites and roads and ensure a safe and healthy environment for camping and associated recreational activities.

Developed campgrounds shall be retained for current recreation uses which shall be allowed to continue in the same manner and degree.

M. Energy and Minerals. Special designation areas will not affect, and must be made after, a final mineral potential evaluation of all lands in Daggett County. Future restrictions on mineral development outside of the special designation area shall not be adopted.

N. Utility and Transportation Corridors. Congress shall direct the Bureau of Land Management and U.S. Forest Service to facilitate the creation of additional transportation/utility corridor or corridors. Corridors developed or currently being developed must remain open and unaffected.

O. Binding Arbitration. In the event of any controversy or claim arising out of or relating to a decision made by the Bureau of Land Management, the U.S. Forest Service, or other federal agency with regards to any lands designated as part of the public land initiative in Daggett County, the affected parties shall first attempt to settle the dispute by mediation, collaboratively administered by the Utah Department of Agriculture and the Utah Department of Natural Resources. In the event that a settlement cannot be reached within thirty (30) days, the parties must submit to binding arbitration before three (3) arbiters to be selected according to this provision. One of the three (3) arbiters must include a member of the Daggett County Board of Commissioners or their designee from the Public Lands Advisory Committee. The second member shall be a representative of the involved federal agency. The third member shall be selected by the other two arbiters.

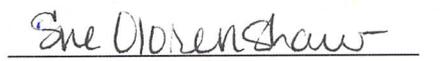
P. Amendment of Legislation before Passage. The provisions of the Public Lands Initiative bill are part of an historic agreement between several counties, environmental groups and the State of Utah. If any provision is omitted or amended without the agreement of Daggett County, the County reserves the right to withdraw its support and participation.

PASSED this 19 th day of May, 2015 by the Daggett County Commissioners.


Karen Perry, CHAIRMAN

ATTEST:

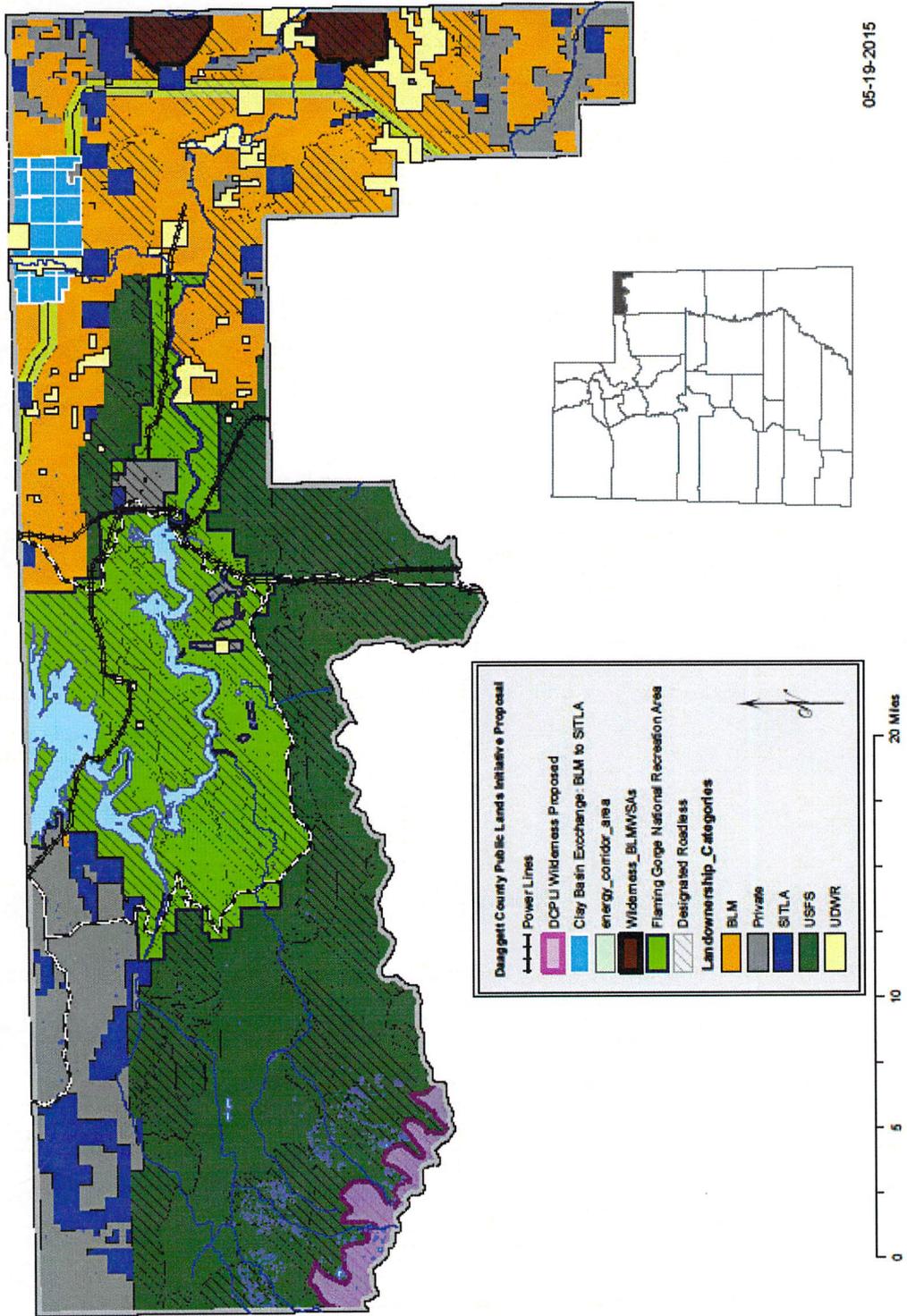

Clyde Slaugh, COMMISSIONER


Sue Olorenshaw, CLERK / TREASURER

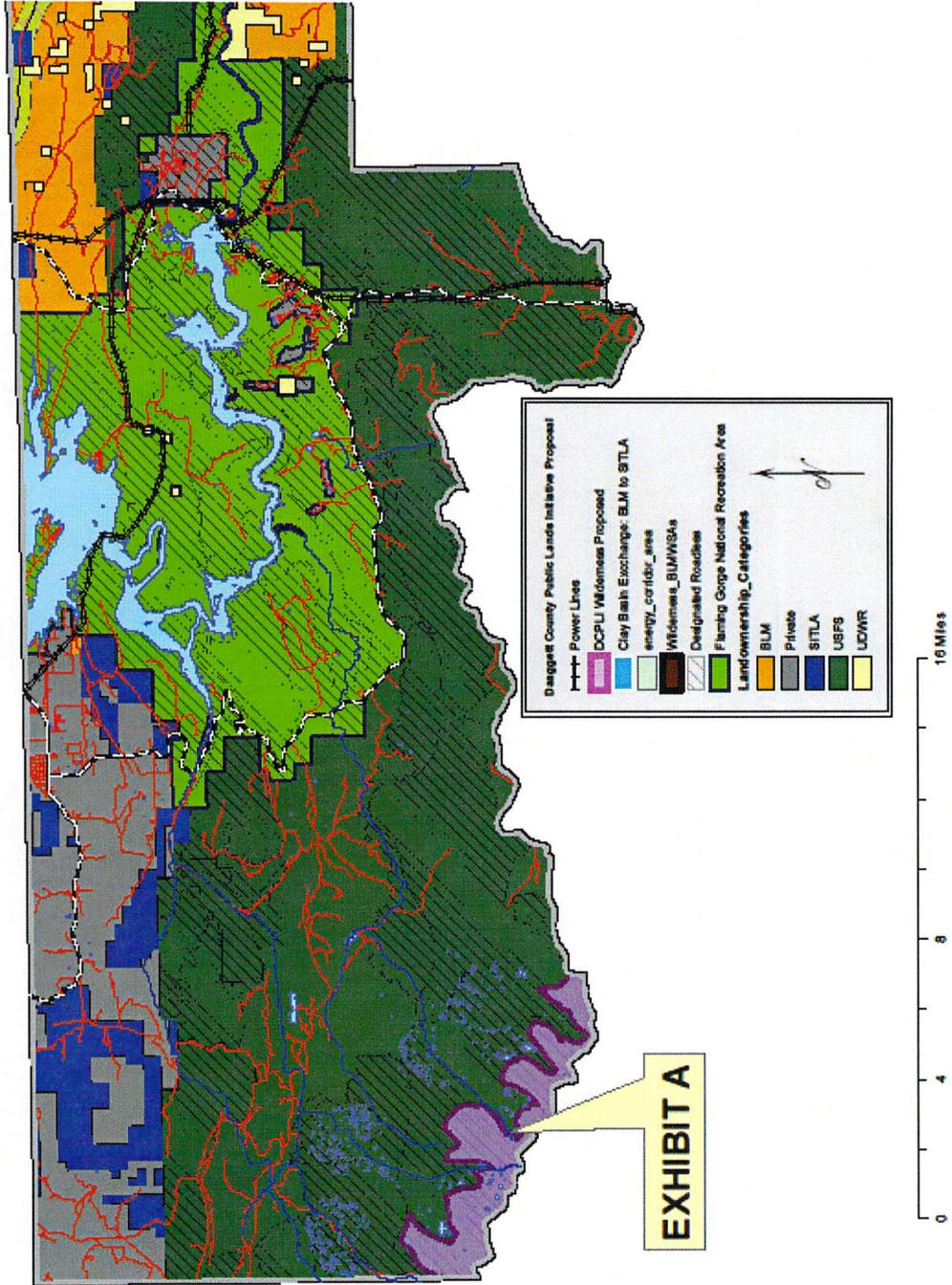



Jack Lytle, COMMISSIONER

DAGGETT COUNTY PLI PROPOSAL



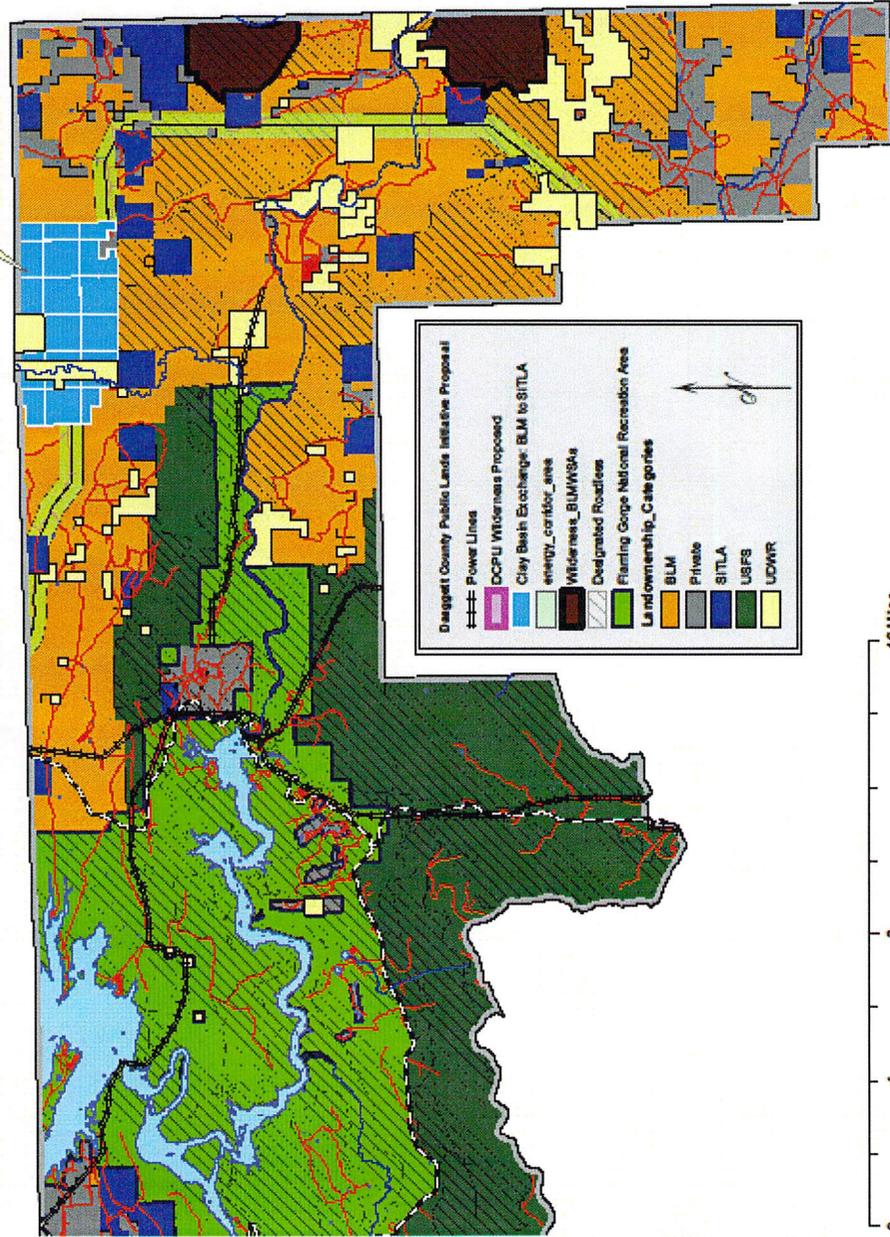
DAGGETT COUNTY PLI PROPOSAL



05-19-2015

DAGGETT COUNTY PLI PROPOSAL

EXHIBIT B



05-19-2015