

**RESOLUTION NO. 07-17  
AMENDING RESOLUTION 07-15**

**A RESOLUTION REVISING AND UPDATING THE DAGGETT COUNTY GENERAL PLAN**

**Whereas**, Daggett County adopted a community wide General Plan on July 17, 1996: and

**Whereas**, Daggett County, Utah, a county of the Utah Territory since march 8, 1894, and a political subdivision of the State of Utah, which was admitted to the United States on equal footing with the original states on January 12, 1896, desires to affirm the authority which was reserved under the Tenth Amendment to the United States Constitution and Revised Statute 2477 over the rights of way upon the un-reserved forest lands, sovereign lands, and the unappropriated public lands: and

**Whereas**, the United States District Court for the District of Utah decided in Uintah County v. Norton on October 26, 2001, that federal land use plans shall be consistent to the maximum extent possible with local government land use plans, and as required by the Federal Land Policy Management Act, Section 1712 © (9); and

**Whereas**, on July 17, 2007, the Daggett County Planning Commission, after review and public hearing recommended to the Board of commissioners of Daggett County that portions of the Daggett County General Plan be revised and updated by revising the Public Lands Section of the Daggett County General Plan, which was the subject of a public hearing on August 7, 2007 before a meeting of the Board of County Commissioners of Daggett County, Now, therefore

**IT IS HEREBY RESOLVED:**

**Section 1.** Resolution.

The Board of Commissioners of Daggett County Utah hereby amends the Daggett County General Plan by adopting an amendment and clarification of the County's ongoing plan for managing public lands in Daggett County, entitled, "Amendment to Clarify Daggett County's ongoing plan for managing certain non wilderness study area lands in East Daggett County", a copy of which is attached to this Resolution.

**Section 2.** Effective Date

This Resolution shall become effective immediately upon adoption and publication.

This Resolution was adopted by the Board of County Commissioners of Daggett County, Utah on October 2, 2007.

ATTEST  
(Seal)

DAGGETT COUNTY  
BOARD OF COMMISSIONERS

s/s Vicky McKee  
Vicky McKee  
County Clerk

s/s Stewart Leith  
Stewart Leith, Chairman

AYE:  
Stewart Leith  
Hank Gutz  
Floyd Briggs

Nay:

**AMENDMENT TO CLAIIFY DAGGETT COUNTY'S ONGOING PLAN  
FOR MANAGING CERTAIN NON WILDERNESS STUDY AREA  
LANDS IN EAST DAGGETT COUNTY**

**Subject Lands**

This plan clarification applies to those certain areas of public land in Eastern Daggett County which the United States Bureau of Land Management ("BLM"), in its so-called 1999 wilderness Inventory Report, labeled as follows:

- Cold Spring Mountain, consisting of approximately 12,200 acres, located in parts of:
  - Township 3N Range 24E
  - Township 3N Range 25E
  - Township 2N Range 24E
  - Township 2N Range 25E
  
- Diamond Breaks, consisting of approximately 4,500 acres located in parts of:
  - Township 1N Range 25E
  - Township 1S Range 25E

This plan clarification also applies to all other areas of public land located in any other part of East Daggett County, which an organization by the name of the Utah Wilderness Coalition ("UWCJ") has purported to include in its so-called "Citizen's Proposal for Wilderness in Utah" for their so-called "Greater Dinosaur Region", according to the map thereof set forth in the UWC internet web site, address <http://www.protectwildutah.org/proposal/index>, as it exists on April 25, 2007, including the following areas labeled as follows in the Greater Dinosaur Region portion of the said UWC internet web site:

- Gosliin Mountain, located in parts of:
  - Township 3N Range 22E
  - Township 3N Range 23E
  - Township 3N Range 24E
  
- Mountain Home, located in parts of:
  - Township 2N Range 23E
  - Township 2N Range 24E
  - Township 2N Range 25E
  - Township 3N Range 23E
  - Township 3N Range 24E
  - Township 3N Range 25E
  
- Red Creek Badlands, located in parts of:
  - Township 3N Range 24E
  - Township 3N Range 25E

-O-Wi-Yu-Kuts, located in parts of:

- Township 2N Range 25E
- Township 3N Range 25E

-Lower Flaming Gorge, located in parts of:

- Township 1S Range 24E
- Township 1N Range 24E
- Township 1S Range 25E
- Township 1N Range 25E
- Township 1N Range 23E

-Dead Horse Pass, located in parts of:

- Township 1S Range 24E
- Township 1N Range 24E
- Township 1S Range 25E
- Township 1N Range 25E

-Crouse Canyon, located in parts of:

- Township 1S Range 24E
- Township 1N Range 24E
- Township 1S Range 25E
- Township 1N Range 25E

Diamond Breaks, located in parts of:

- Township 1S Range 24E
- Township 1N Range 24E
- Township 1S Range 25E
- Township 1N Range 25E

For purposes of this plan clarification all of the above-described public lands are collectively referred to herein as the Non-WSA East Daggett county Region, and are illustrated more fully in the map attached hereto. “\*” Any reference hereafter to the term “Non-WSA East Daggett County Region” shall refer to any and all of the above-described land areas.

“\*” There are two FLPMA Section 603 Wilderness Study Areas (“WSAs”) in this general area within the borders of Daggett County: West Cold Springs WSA and Diamond Breaks WSA. The fact that this planning document addresses only areas outside those WSAs does not imply that Daggett county necessarily concedes that those WSAs are suitable for wilderness designation or de facto wilderness management restrictions. In any event, those two WSAs are outside the scope of this particular section of Daggett County’s Plan.

## **Clarification of Ongoing Policies, Plans and Positions**

### 1. Achieve And Maintain A Continuing Yield Of Mineral Resources In The Non-WSA East Daggett County Region At The Highest Reasonably Sustainable Levels

- \* Daggett County recognizes that it is technically feasible to access mineral and energy resources while preserving non-mineral and non-energy resources.
- \* All Solid fluid and gaseous mineral resources in the Non-WSA East Daggett County Region that exist in economic quantities and are recoverable with existing or foreseeable technology should be available for development.
- \* Physical and administrative access to mineral resources in the Non-WSA East Daggett Region must be maintained. These public lands should be open to oil and gas leasing with economically and technically viable stipulations and conditions that will protect the lands against unreasonable and irreparable to other significant resource values. This should include reasonable and effective mitigation and reclamation measures and bonding for such where necessary.
- \* Fluid and gaseous minerals within developed areas should be protected from waste and drainage.
- \* Any previous lease restrictions in the Non-WSA East Daggett County Region that are no longer necessary or effective should be modified, waived or removed.
- \* 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 Non-WSA East Daggett County Region should be carefully evaluated for removal.

### 2. Achieve And Maintain Livestock Grazing In The Non-WSA East Daggett County Region At The Highest Reasonably Sustainable Levels

- \* Domestic livestock forage in the Non-WSA East Daggett County 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 Non-WSA East Daggett County Region, based on an on-the-ground and scientific

- \* Where once-available grazing forage in the Non-WSA East Daggett County Region has to pinion, juniper and other woody vegetation and associated biomass, or to cheat grass to cheat grass other invasive grasses and vegetation, or where rangeland health in the Non-WSA East Daggett County Region has suffered for any other reason, a vigorous program of chemical or mechanical treatments such as chaining, logging, seeding, lopping, thinning, burning, range improvements and/or 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 Non-WSA East Daggett County Region.
- \* Daggett County regards the public land which comprises the grazing districts and allotments in the Non-WSA East Daggett County Region as still more valuable for grazing than any other use which excludes livestock grazing, such as conversion of AUMs to wildlife, wild horses, watersheds or wilderness values. Accordingly, it is Daggett County's plan that animal unit months in the Non-WSA East Daggett County Region not be relinquished or retired in favor of conservation, wildlife and other uses.
- \* Daggett County recognizes that from time to time a bona fide livestock permittee in the Non-WSA East Daggett County 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 Non-WSA East Daggett County Region should be temporary and scientifically based on monitoring data necessary to evaluate rangeland conditions.
- \* The transfer of grazing animal unit months ("AUM's") to wildlife, wild horses or watersheds for supposed reasons of rangeland health or any other purpose is opposed by Daggett County as illogical. There is already imputed in each AUM a reasonable amount of forage for the wildlife component.
- \* Any grazing animal unit months that may have been reduced in the Non-WSA East Daggett County Region due to rangeland health concerns should be restored to livestock when rangeland conditions improve, and not converted to wildlife use.

3. Manage The Watershed In The Non-WSA East Daggett County Region To Achieve And Maintain Water Resources At The Highest Reasonably Sustainable Levels

- \* All water resources that derive in the Non-WSA East Daggett County Region are the property of the State of Utah. They are owned exclusively by the State in trust for its citizens.

- \* As a political subdivision of the State, Daggett County has a legitimate interest in seeing that all reasonable steps are taken to preserve, maintain, enhance and where reasonable develop those water resources.
- \* With increased demands on water resources brought on by population increases in the Colorado River drainage area, and with recent drier precipitation trends which call into question in the minds of some whether the climate of the Colorado River drainage area is changing, it is important now more than ever that management practices be employed in the Non-WSA East Daggett County Region to restore, maintain and maximize water resources there.
- \* This includes restoration, maintenance and enhancement of the water shed in the Non-WSA East Daggett County Region.
- \* Where water resources in the Non-WSA East Daggett County Region have diminished because once-existing grasses have succeeded to pinion, juniper, and other woody vegetation and associated biomass, a vigorous program of chemical or mechanical treatments should be applied to promptly remove this woody vegetation and biomass, stimulate the return of the grasses to historic levels, and thereby provide a watershed that maximizes water yield and water quality for livestock, wildlife, and human uses.
- \* Daggett County's strategy and plan for protecting the Non-WSA East Daggett County Region watershed is to deter unauthorized cross-country OHV use in the Non-WSA East Daggett County Region. The best way to achieve this is to give OHV users a reasonable system of trails in the public lands of the Non-WSA East Daggett County Region on which to legitimately operate their OHVs. Closing the Non-WSA East Daggett County Region to all OHV use will only spur increased unauthorized cross-country OHV use to the detriment of the Non-WSA East Daggett County Region watershed.

4. Achieve And Maintain Traditional Access To Outdoor Recreational Opportunities On Public Lands In The Non-WSA East Daggett County Region

- \* Traditionally, citizens of Daggett County and visitors have enjoyed many forms of outdoor recreation in the Non-WSA East Daggett County 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 on public lands in the Non-WSA East Daggett County Region which were previously classified as open to OHV use should remain open.

- \* Traditionally, outdoor recreational opportunities on public lands in the Non-WSA East Daggett County Region have been open and accessible to working class families, to families with small children, to the physically impaired 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 recreating. Current Use, demographics and area growth supports a need for more dispersed and varied recreation opportunities and not a primitive or back country experience.
- \* Any segment of society, for that matter, who wants to recreate in the Non-WSA East Daggett County Region is entitled to motorized access to traditional recreation uses and additional access where needed.
- \* Hence Daggett County's plan calls for continued public motorized access to all traditional outdoor recreational roads and trails in all public lands areas of the Non-WSA East Daggett County Region for all such segments of the public. Daggett County specifically opposes restricting outdoor recreation in the Non-WSA East Daggett County Region for all such segments of the public. Daggett County specifically opposes restricting outdoor recreation in the Non-WSA East Daggett County Region to just one form – available for those who have enough time, money and athletic ability to hike the roads and trails of the Non-WSA East Daggett County Region for a so-called “solitude wilderness experience” or the like.
- \* Accordingly, all roads in the public lands on Non-WSA East Daggett County Region that are part of Daggett County's duly adopted transportation plan should remain open to motorized travel. None of them should be closed, and Daggett County should have the continued ability to maintain and repair those roads, and where reasonably necessary make improvements thereon. All trails on public lands in the Non-WSA East Daggett County Region that have been open to OHV use should continue to remain open. Traditional levels of wildlife hunting and fishing should continue. Traditional levels of group camping, group day use and all other traditional forms of outdoor recreation – motorized and non-motorized – should continue. In addition, all roads and trails administered by the BLM, in addition to those maintained by Daggett County, should remain open to public use, and any attempt to close any road or trail should be subject to the NEPA process.

5. Maintain And Keep Open All Roads On Public Lands In The Non-WSA East Daggett County Region That Appear On Daggett County's Most Recent Transportation Map, And Provide For Such Additional Roads, Trails, Rights-Of-Ways And Easements As May Be Necessary From Time To Time

- \* Daggett County's transportation plan includes an official county-side transportation map which shows all public roads and trails on public lands in the Non-WSA East Daggett Region is considered to be part of Daggett County's plan specifically applicable



to the Non-WSA East Daggett County Region. All such public roads and trails are shown in the attached map. 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.

- \* Daggett County plans to keep all such roads on public lands in the Non-WSA East Daggett County Region open and reasonably maintained and in good repair. Daggett 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 Daggett 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 Non-WSA East Daggett County Region from time to time to facilitate reasonable access to a broad range of resources and opportunities throughout the Non-WSA East Daggett County 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 Non-WSA East Daggett County 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 Non-WSA East Daggett County Region Public Lands, So As To Not To Directly Or Indirectly Interfere With The Property Rights Of Private Landowners Located In That Region

- \* There are parcels of private fee land located in the Non-WSA East Daggett County Region.
- \* Land management policies and standards on BLM land in the Non-WSA East Daggett County 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 uses of those private land parcels.

7. Manage The Non-WSA East Daggett County Region Public Lands, So As To Not Directly Or Indirectly Interfere With The Fiduciary Responsibility Of The State School And Institutional Trust Lands Administration (“SITLA”) With Respect To Trust Lands Located In That Region

- \* Scattered throughout the Non-WSA East Daggett County Region are sections of school and institutional trust land 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 in 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.
- \* land management policies and standards on BLM land in the Non-WSA East Daggett County Region should not interfere with SITLA’s ability to carry out its fiduciary responsibilities.
- \* Nor should SITLA be denied the right of motorized access to those school trust sections to enable SITLA to put those sections to use in order to carry out SITLA’s fiduciary responsibilities.

8. Managing Part Or All Of The Non-WSA East Daggett County Region For So-Called Wilderness Characteristics Would Violate FLPMA, Contradict The State’s Public Land Policy And Contradict The Foregoing Plans Of Daggett County For Managing The Non-WSA East Daggett County Region

- \* As Utah Code § 63-38d-401(6)(b) indicates, managing the Non-WSA East Daggett County Region under a “wilderness characteristics” management standard is not the State of Utah’s policy for multiple use-sustained yield management on public lands that are not wilderness or wilderness study areas. Nor is it Daggett County’s. A so-called “wilderness characteristics” management standard for the Non-WSA East Daggett County Region is de facto wilderness management by another name. It is incompatible with and would therefore frustrate and defeat the foregoing plans of Daggett County for managing the Non-WSA East Daggett County Region. Daggett County has formally taken a position that no BLM lands in Daggett County should be designated as wilderness.
- \* A so-called “wilderness characteristics” management standard for the Non-WSA East Daggett County Region also violates FLPMA and the 2003 Settlement Agreement between Utah and Department of Interior.
- \* Managing Post-603 Lands “\*” pursuant to the Interim Management Policy of 1979 (“IMP”) is inconsistent with BLM authority. Agreement p. 6 & 13.a;

“\*” As that term is defined in the *Utah v. Norton* settlement agreement of April 11, 2003.

- \* 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, 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 Any Of The Area Of Critical Environmental Concern (“ACEC”) Designation Alternatives Currently Under Consideration In The Vernal Resource Management Plan Revision Process, Would Contradict Daggett County’s Plan For Managing The Non-WSA East Daggett County Region
- \* It is Daggett County’s policy that no part of the Non-WSA East Daggett County 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.
  - \* The foregoing summarizes the ACEC criteria of the State of Utah as well as Daggett County. See Utah Code § 63-38d-401(8)(c). And the foregoing summarizes the criteria of FLPMA.
  - \* As of June 1, 2007, none of the ACEC alternatives being considered in the Daggett County portion of the current Vernal Resource Management Plan (“RMP”) revision process meets Daggett County’s above-stated ACEC planning criteria. This includes the so-called Browns Park ACEC and the Red Creek Watershed ACEC. Rather, those proposed ACEC alternatives constitute de facto wilderness management in the Non-WSA East Daggett County Region by another name. Adopting any of those ACECs under any of the proposed alternatives would be incompatible with and would therefore frustrate and defeat the foregoing plans of Daggett County for managing the Non-WSA East Daggett County Region.
10. Including Any River Segment In The Non-WSA East Daggett County Region In The National Wild And Scenic River System Would Violate The National Wild And Scenic Rivers Act And Related Regulations, Contradict The State’s Public Land Policy, And Contradict the Foregoing Plans Of Daggett County For Managing The Non-WSA East Daggett County Region
- \* It is Daggett County’s policy that no river segment should be included in the National Wild and Scenic River System unless
  - \* Water is present and flowing at all times.
  - \* 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 Daggett 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 Daggett County.
- \* There is no river segment in the Non-WSA East Daggett County Region that meets the above criteria. Hence, no river segment in the Non-WSA East Daggett County Region should be included in the National Wild and Scenic River system.
- \* As of June 1, 2007, the terms prescribed in any of the alternatives being considered in the proposed revised Vernal RMP for managing proposed wild and scenic river segments in the Non-WSA East Daggett County Region, constitute de facto wilderness management by another name. They are incompatible with and would therefore frustrate and defeat the foregoing plans of Daggett county for managing the Non-WSA East Daggett County Region.

11. A Visual Resource Management Class I Or II Rating For Any Part Of The Non-WSA East Daggett County Region Would Contradict The State's Public Land Policy And Contradict Daggett County's Plan For managing The Non-WSA East Daggett County Region

- \* The objective of BLM Class I Visual Resource management is not compatible with, and would therefore frustrate and interfere with, Daggett County's foregoing plan clarification for the Non-WSA East Daggett County Region.
- \* The objective of BLM Class II Visual Resource management is generally not compatible with, and would therefore frustrate and interfere with, Daggett County's foregoing plan clarification for the Non-WSA East Daggett County Region. There are certain limited exceptions where a Class II objective would be compatible with Daggett County's foregoing plan clarification.
- \* Daggett County's foregoing plan clarification for the Non-WSA East Daggett County Region is generally consistent with either Class III or Class IV, depending on the precise area.



