

PUBLIC LANDS

County Policy - Public Lands

Introduction

This plan encompasses the entire area of Uintah County, approximately 2,882,017 acres. Of that acreage, approximately 2.3 million acres are lands administered by federal and state agencies. The Bureau of Land Management's Diamond Mountain and Book Cliff Resource Areas, the United States Department of Agriculture's Ashley National Forest, Bureau of Reclamation's Upper Colorado Region, and the National Park Service's Dinosaur National Monument are located at least partially within Uintah County. State-owned public lands within the County are managed by State School and Institutional Trust Lands Administration, the State Office of Sovereign Lands and Forestry, the Utah Division of Wildlife Resources, and the Utah Division of State Parks. Nearly 70% of Uintah County is publicly owned. Additionally, 16% of the County is Indian lands. Therefore, it is extremely important that consideration be given to coordination and consistency with current County plans.

Provisions in the Federal Land Policy and Management Act (FLPMA), Council on Environmental Quality, and other management and planning regulations provide for Uintah County to participate and have a strong voice in the planning and decision making processes associated with managing its public lands.

Purpose

Public land management is dictated by law and regulation. Various laws and regulation requires public land managers to involve local government in the planning and decision making process. Further, in the case of federal lands, it requires federal land managers to insure that land use plans, and management decisions, are consistent with local government's approved plans, ordinances, and policy to the fullest extent possible.

The Public Lands portion of the Uintah County's General Plan reflects Uintah County's position on the management and use of public lands that impact the County's interests.

This Plan clearly and concisely states County policies, issues and objectives and that this document will be used by the County and federal and state public land management agencies during public land planning efforts and decision-making processes.

The plan was developed to protect the interest of the County, its residents, the State of

Utah, and in support of our national interests. It is designed to insure that the spirit and intent of the laws, regulations and policies that govern management and use of public lands are followed. It provides the basis on which federal and state consistency analysis is to be made.

This policy, and subsequent implementation plans, are to be followed unless it is found to be impermissibly inconsistent with any statute or duly promulgated regulation. Should any part of this policy or implementation plan be found inconsistent with such statute or regulation, or found by a court with competent jurisdiction to be void, unenforceable, or invalid, the remaining provisions or parts shall nevertheless remain in full force and effect.

For the purpose of this policy and the implementation plans all reference to analysis means NEPA analysis, unless otherwise specified.

Objectives

The following objectives will guide the development of implementation plans developed under this section and are a guide for public land managers in consistency review, planning and management of public lands.

The County's objectives are:

To support the wise use, conservation and protection of public lands and its resources including well-planned management prescriptions. It acknowledges the need, on occasion, to place strict requirements on the management of some resources in order to provide the needed protection.

To insure that the management is accomplished with the full participation of the County and is supported by tested and true scientific data and accomplished in a way that fully analyzed the impacts on the economy of the Uintah Basin, County tax base, culture, heritage, and life styles and rights of the area residents.

That when a negative impact of a proposed action is unavoidable, the impacts on the County and/or its residents must be mitigated or compensated for. If action results in a taking, all applicable law must be applied.

To insure that public access and rights-of-way for utilities and transportation of product must be maintained. This access must be provided for in the future when need is demonstrated.

To insure that public lands are managed for multiple use and sustained yield and

to prevent waste of natural resources. Further, these lands should be managed to prevent the loss of resources and private property from catastrophic events and to protect the safety and health of the public.

In support of our national energy needs and considering the nation's increasing dependency on foreign oil, all public lands must remain open to the greatest extent possible for the exploration and production of energy and other energy related products.

All plans and management decisions must insure that special designations do not influence the use of resources on lands outside of those listed in the designation. The County opposes the use of a buffer zone management philosophy that dictates land use practices and influences decisions beyond the scope and boundaries of the designations.

To support agriculture on private and public lands as part of our custom, culture, heritage, and as an important segment of our local economy, as well as providing for a secure national food supply.

To provide policy, plans, and other documents for other governmental agencies to use to insure that their resource management and planning is consistent with that of Uintah County.

Restrictions placed on any resource must be based on analysis of trends and only imposed after a complete analysis.

Lands designated open for various specified uses should be available for such use on a timely basis. Proposed uses of such land must be promptly processed. If such use is not covered in a resource management plan, then these uses will be analyzed in a separate document or by amendment to the RMP. Extended delays or no action will not be used as a method to accomplish management goals.

To accomplish the above objectives, the County requires that each Public Land Management agency must:

File a written report detailing how consistency with this policy was analyzed with respect to their proposed action or plan. The report must identify where inconsistencies exist, why consistency is not possible, and any plausible way to correct the inconsistencies.

Provide a detailed economic analysis of the impact of their action or proposed action on the County tax base and area economy. When more than one action is proposed the report must analyze cumulative impacts.

Provide a certification that applicable data used in development of a proposal or plan has met the requirements of the Environmental Quality Data Executive Order.

Notify the County of any proposed action that will affect the County's culture and heritage values.

Provide an opportunity for the County to have meaningful participation in the development, monitoring, and analysis of any studies conducted on resources associated with area public lands.

Compensate any individual or entity that is physically or financially harmed or loses property rights as a result of an action taken by that agency. This includes negative impacts on state and local tax bases.

Analyze the County's ability to provide emergency services, law enforcement, water and waste management, search and rescue and other essential services needed to support the proposed action.

Analyze the impacts of proposed actions on traditional uses such as recreation, grazing, energy development, wildlife, etc.

When provided for by law, the County is to be offered cooperator status on any proposed actions within the NEPA process. The County will participate in natural resource management actions, affecting resources of the area, and require that they be notified of such actions.

Analyze each proposal to prevent piece-meal analysis. The agency must analyze the full impacts of the proposal, present and future. Including, but not limited to, buffer zones, the need to protect prey species, viewscapes, etc.

Insure that guidelines, protocols, and other policies used to direct any activity on public lands do not contain restriction or protection not provided for by law or regulation. Any such actions must be developed and implemented with local government and public participation.

Keep the County fully informed of management action proposed or to be implemented on public land and allow the County adequate time to develop the County's position of such action should it not be clearly defined in the County's General Plan or subsequent Implementation Plans.

When an agency is seeking consultation with the County, verbal or otherwise, it must state in writing that the communication will be considered formal or require consultation at the onset of the discussion in order to be considered consultation.

Public Lands Committee

Revised 8/25/03

Adopted 8/26/03

The Public Land Committee is an advisory committee to the County Commission on public land issues. Under the direction of the County Commission, it works as an interface with federal and state agencies in fashioning management decisions and policies affecting public lands; and participates in the development, coordination, and implementation of the planning objectives to ensure that the provisions of the Uintah County General Plan Public Lands section are followed.

Insure that all relevant provisions of this plan are followed by federal and state agencies in management of public lands.

Improve dialogue and interaction between County residents and agency officials. Relationships will be strengthened and participants will gain a better understanding of County interests and agency operations as communication improves.

Receive input from residents who are interested in, and directly impacted by, public land use decisions. The Public Lands Committee will utilize the expertise of citizens by allowing input at public land meetings.

Act as a public land issues clearing house. This information will be made available to the general public for review and comment. The County Commissioners, when developing official County positions on issues, may consider the recommendations for the Public Lands Committee.

Insure that guidelines, protocols, and other policies used to direct any activity on public lands do not contain restriction or protection not provided for by law or regulation.

Keep the County fully informed of management action proposed or to be implemented on public land and allow the County adequate time to develop the County's position of such action should it not be clearly defined in the County's General Plan or subsequent Implementation Plans.

Position Statements

Introduction

The following position statements were developed to communicate the County's position of various Public Land Management issues. These statements express the County's concerns on the issues and provides direction to Public Land Management agencies on how these concerns should be addressed.

Wilderness Designations

It is the County's position that:

The only legal designations of Wilderness Study Areas (WSA) are those designated under section 603 of the Federal Land Policy and Management Act (FLPMA) and the opportunity to create additional wilderness ended in 1991, except as authorized by Congress. That some or all of the WSA designations pending before Congress are legally and/or technically flawed and will pursue that position when the WSAs go before Congress for approval.

That the 1999 Wilderness Study Area Planning Project and the wilderness Inventory and Study Procedures H6310-1 were legally and technically flawed.

Any new wilderness designation must be provided for by Congress and created in cooperation with the County and the State.

That all WSAs pending before Congress, which were not recommended for wilderness designation by the Secretary of Interior; be released and managed under multiple use.

That any new wilderness designations in Uintah County be a collaborative process by federal, state and county officials.

Additionally, the County believes that wilderness designation is not an appropriate, effective, efficient, economic or wise use of land. These lands can be adequately protected through mitigation, minimizing negative impacts and proper reclamation.

The creation of wilderness limits access for the elderly and the physically impaired. All wilderness management plans must provide for access for these individuals to the fullest extent possible.

Wilderness management must provide for continued and reasonable access for holders of property rights within the area and provide for full use and enjoyment of these rights.

Wilderness Study Areas released by Congress must be managed based on the principles of multiple use and sustained yield. The RMP must be amended, in a timely manner, to reflect the change in status.

Special Designations

It is the County's position that:

Special designations, such as wilderness, Areas of Critical Environmental Concern (ACEC), wild and scenic rivers, critical habitat, semi primitive and non-motorized travel, etc., result in single purpose or non-use and are detrimental to the area economy, life styles, culture, and heritage.

Needed protections can be provided by well planned and managed development.

No special designations should be proposed until it is determined and substantiated by verified scientific data, that there is a need for the designation, that protections can not be provided by other methods, and the area in question is truly unique when compared to other area lands.

Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.

Designations that are not properly planned or managed are inconsistent with the mandates that public lands be managed for multiple use and sustained yield .

Introduced, Threatened, Endangered and Sensitive Species, Recovery Plans, Experimental Populations, and Related Guidelines and Protocols

It is the County's position that:

These designations or reintroductions often grow beyond boundaries and scope and result in detrimental affects on the area economy, life styles, culture and heritage.

No such designations or reintroductions should be made until it is determined and substantiated by verified scientific data that there is a need for such action, that protections cannot be provided by other methods and the area in question is truly unique when compared to other area lands.

Designation or reintroduction plans, guidelines, and protocols must not be developed or implemented without the full involvement of the County and full public disclosure.

Any analysis of such proposed designations or reintroductions must be

inclusive and analyze all needed actions associated with the proposal to prevent growth beyond the scope and boundaries that were analyzed in the proposal.

Recovery plans must provide for indicators to track the effectiveness of the plan and identify at what point recovery is accomplished.

Public Access, RS-2477 Roads

It is the County's position that:

The access across and to public lands is critical to the use, management, and development of those lands and adjoining private lands.

No roads, trails, rights-of-way, easements or other traditional access for the transportation of people, products, recreation, energy or livestock may be closed, abandoned, withdrawn, or have a change of use without full public disclosure and analysis.

Future access must be planned and analyzed to determine its disposition at the completion of its intended life. This is to insure needed access is maintained or that such access is removed and resulting disturbances are reclaimed.

Roads covered by RS-2477 should remain open and the County will take any action needed to protect these rights. This includes identification, inventory, and participation in any legal process to protect them.

Access to all water related facilities such as dams, reservoirs, delivery systems, monitoring facilities, livestock water and handling facilities, etc., must be maintained. This access must be economically feasible with respect to the method and timing of such access. Unreasonable restrictions may result in the loss of use of such facilities and property rights.

Land Exchanges, Acquisitions, and Sales

It is the County's position that:

There shall be no net loss of the private land base and that the federal and state government holds a sufficient amount of land to protect public interest. No "net loss" should be measured, both in acreage and fair value,

without approval of the County Commission.

A private property owner has a right to dispose of or exchange his property as he/she sees fit within applicable law.

A private property owner should be protected from federal, state and county encroachment and/or coerced acquisition.

The County will be compensated for any net loss of private lands with public lands of equal value and compensated for any loss of tax base resulting from these exchanges by the appropriate acquiring agency.

Recreation and Tourism

It is the County's position that:

The area has outstanding potential for recreation and tourism.

Resource development and recreation and tourism are compatible through proper planning and management.

Potential developments should include family oriented activities and developments that are accessible to the general public, not limited to special interest groups.

It supports cultivating recreational facility development and maintenance partnerships with other entities, agencies, and general special interest groups.

Water Resources

It is the County's position that:

Proper management of public land watershed, which supplies the majority of the agricultural, domestic, and industrial water use in this water-short area, is critical.

An adequate supply of clean water is essential to the health of the County's residents and to the continued growth of the County's economy. Every aspect of the County's economy depends on a dependable and clean supply of water.

Agency's must analyze the affect of their action on water quality,

watershed yields and timing of those yields. Any action, lack of action, or permitted use, that results in a significant or long term decrease in water quality or quantity will be opposed.

It is important to protect water from significant long-term decreases in quality or quantity.

Any agency action must analyze the impacts on facilities such as dams, reservoirs, delivery systems, monitoring facilities, etc., located on or down stream from land covered by the proposal.

It will oppose any movement toward nationalization or federal control of Utah's water resources or rights.

Privately held water rights should be protected from federal and/or state encroachment and/or coerced acquisition.

It is imperative that the quality and quantity of water is not reduced below current levels.

It will support projects that will improve water quality and increase the amount and dependability of the water supply.

All potential reservoir sites and delivery system corridors shall be protected from any federal or state action that would inhibit their future use for such purposes.

Any proposed sale, lease or other exchange of water must adequately consider and satisfy the County's interest and concerns before the County will participate or support the proposal.

It will not support any proposal that does not protect the County and compensate them for any losses to the County and/or its residents.

It recognizes and will support the existence of all legal canals, laterals, or ditch rights-of- way.

All federal and state mandates governing water or water systems should be funded by those agencies and developed in cooperation with the County.

It supports livestock grazing and other managed uses of watersheds and holds that, if properly managed, multiple use is compatible with watershed management.

It endorses the Utah State Water Laws as the legal basis for all water use within the County.

Beneficial use is the basis for the appropriation of water in the state of Utah.

It will support all reasonable water conservation efforts. Water saved as a result of these efforts should be allocated to those persons or entities whose efforts created the savings.

Many wetlands are created by fugitive water from irrigation systems. When law requires mitigation of impacts from conservation and other projects, the creation of artificial wetlands should be considered only after all other mitigation possibilities have been measured. Creation of artificial wetland is contrary to the intent of conservation.

Timber

It is the County's position that:

All forested lands are to be managed for sustained yield and multiple use.

Managers of public lands must protect watersheds with respect to water quality and to insure the water yield is not decreased or that it is improved.

Fire, timber harvesting, and treatment programs must be managed as to prevent waste of forest products.

Management programs must provide for fuel load management that will prevent catastrophic events and provide for reduced fire potential at the urban interface.

Management programs must provide for citizens to harvest forest products for personal needs and provide harvesting opportunities for small businesses.

Energy and Mineral Resource

It is the County's position that:

Continued access to energy and mineral resources associated with public lands is paramount to the well being of County residents and its economy, the state of Utah and national security.

Any proposal or action taken by state or federal agencies that will result in restriction on reasonable and economical access to these resources

shall/will be opposed.

Identification of energy and mineral potential and location is important to planning for future energy needs and resource management planning. The County supports such activity and requests that appropriate agencies plan, fund, and encourage by way of policy, management decisions for such activity.

All management plans must address and analyze the possibility for the development of minerals where there is a reasonable expectation of their occurrence within the planning area.

After environmental analysis, and as provided for in the governing resource management plan, all tracts will be available and offered for lease or open to be claimed as provided by law.

All permits and applications must be processed on a timely basis. Procedures and required contents of application must be provided to the applicant at the time of application.

Horses

It is the County's position that:

The presence of uncontrolled and improperly managed Wild horses on public land within Uintah County are cause for great concern. The possibility of the spread of equine diseases from uncontrolled and improperly managed wild horse herds on public lands are a threat to the Basin's domestic horse industry and other aspects of the Basin economy.

Increases in wild horse numbers adversely affects the Basin economy by reducing forage available for wildlife and livestock.

The only authorized herd management area in Uintah County is the Hill Creek Herd Management Area and the wild horse population of that area is not to exceed 195 head. Proposals for introduction of horses outside of the Hill Creek Herd Management Area must be fully analyzed in an RMP or by the NEPA process and must provide for full participation by the County.

Wild Horses assigned to herd units must be identified in such a way as to insure that feral or fugitive horses are not assimilated into wild horse herds on public lands

All unauthorized feral horses are in trespass and must be removed from public lands in Uintah County.

Any future herds legally established must consist of wild horses that are verified as to having Spanish barb characteristics and are not feral or fugitive horses.

Horse Management Plans must include provisions for periodic gather of all horses in the unit to limit populations to planned levels, to remove trespass horses, and to test for equine diseases as prescribed by the Utah State veterinarian.

Herd Management Plans must contain provisions to provide for the maintenance of the health of wild horses and the prevention of the spread of equine diseases.

No herds will be located in areas that do not provide barriers, natural or otherwise, which would prevent herd movement from the herd area, trespass to private lands, or mingling with domestic herds.

Cultural and Heritage Resources

It is the County's position that:

Many sites represent a unique culture and are closely related to early religious settlement of the area. They continue to have historical significance and are held by many residents as reverent or consecrated sites and are the essence of their entity. These sites must remain accessible and be preserved.

The preservation and perpetuation of heritage and culture is important to the area economy as well as to the life styles and quality of life of the Basin residents.

The maintenance of these resources and their physical attributes such as trails, cabins, livestock facilities, etc., is critical to present and future tourism development.

The land, its people, and their heritage form an inseparable trinity for the majority of the area residents and this relationship must be considered in all proposed actions.

Livestock grazing, the resulting lifestyles, and the resulting imprint on the landscapes of the west is one of the oldest enduring and economically important cultural and heritage resources in the west and must be preserved and perpetuated.

It is the County's position that the National Historic Preservation Act (NHPA) is the basis for cultural and historical preservation and defines federal agency's responsibility for protection and preservation of cultural and heritage resources and the agency's responsibility to the County.

Soils

It is the County's position that:

Soil is the basic building block for virtually for all land uses. The protection of soils from wind and water erosion and maintaining its fertility is critical to sustaining a viable agricultural economy and maintaining high levels of air and water quality.

The Natural Resource Conservation Service (NRCS) soil survey is the basis on which all public land soil related activities will be based.

Soil related activities will be based on all available survey drafts until survey is published. Any deviation from this material or soil data developed outside of the survey must be coordinated with the NRCS.

Air Quality

It is the County's position that:

Maintaining the Basin's air quality at its current level is critical to the health and well being of its residents.

A high level of air quality is important to future economic development as it reduces the possibility of restrictions being placed on that development due to air quality standards being exceeded.

Air quality baselines must be established for the Basin with the full participation of the County.

All air quality related plans and decisions must be based on deviation from a baseline standard established for the Uintah Basin.

To maintain high air quality the County must protect the Basin's air from degradation from non-Basin sources.

The County will take any actions necessary to protect Basin air quality from degradation by non-Basin sources.

Wildlife

It is the County's position that:

Properly managed wildlife populations are important to the Basin recreation and tourism economy and to the preservation of the culture and lifestyles of its residents.

With proper management and planning, healthy wildlife population are not incompatible with other resource development.

Wildlife numbers will remain at the allocated level until studies and analysis are completed to determine the ability of forage resources to support the increases and species population trends.

No increases in wildlife numbers or the introduction of additional species may be made until the increase in forage or habitat has been provided for and the impacts on other wildlife species has been assessed.

Reduction in forage allocation resulting from forage studies, drought, or other natural disasters will be shared proportionately by wildlife.

Wildlife target levels and/or populations must not exceed the forage assigned to wildlife in the RMP forage allocations.

In evaluating a proposed introduction of wildlife species, priority will be given to species that will provide for increased recreational activities.

Predator and wildlife numbers must be controlled to a level that protects livestock and other private property from loss or damage and to prevent decline in populations of other wildlife species.

That through wildlife habitat mitigation banking impacts of development can be mitigated in a more efficient and planned manner. When implemented, this system could provide much needed habitat for wildlife while providing for multiple use.

Forage Allocation/Livestock Grazing

It is the County's position that:

The proper management and allocation of forage on public lands is critical to the viability of the Basin's agriculture, recreation and tourism industry.

The viability of a large number of the Basin's agriculture and livestock operation is dependent on access to grazing on public lands.

Management of forage resources directly affect water quality and water supplies.

Forage allocated to livestock may not be reduced for allocation to other uses. Current livestock allocation will be maintained.

Increases in available forage resulting from conservation practice, improved range condition, or development of improvements by the livestock permittee or other allocated use will be credited to that use.

Increases in available forage resulting from practices or improvements implemented by managing agency will be allocated proportionately to all forage allocations, unless the funding source specifies the benefactor.

Upon termination of a permit, livestock permittee will be compensated for the remaining value of improvements or be allowed to remove such improvements that permittee made on his/her allotment.

Forage reductions resulting from forage studies, fire, drought, or other natural disasters will be implemented on an allotment basis and applied proportionately based on the respective allocations.

Permittee may sell or exchange permits. Such transaction shall be promptly processed.

Changes in season of use or forage allocation must not be made without full and meaningful consultation with permittee. The permittee must be the first point of contact.

Livestock allocations must be protected from encroachment by wild horses and wildlife.

Permanent increases or decreases in grazing allocations reflecting changes in available forage will be based on the vegetative type of that forage and applied proportionately to livestock or wildlife based on their respective

dietary need.

Paleontology/Archeology/Geology

Remnants of early life forms, geological history and cultures have evolved as an important segment of a local economy and has become the signature of the local tourism trade. Considerable investment has been made in museums and visitors centers to promote these important resources.

It is the County's position that:

All significant artifacts found in the area remain here.

Resource Management Plans must provide opportunity for amateur collectors and students of these sciences to study, explore for, and collect related items as provided for by law.

Public land management agencies should promote these resources with educational material, sign age, and information centers where appropriate.

Off Highway Vehicles (OHV)

It is the County's position that:

OHV's have become an important segment of the Basin recreation industry and is an important tool and mode of transportation for farmers, ranchers, and resource development.

It supports the current policy of open recreation areas.

Will support limiting of OHV to existing roads and trails and the development of designated trail system only in areas that demonstrate documented and substantiated adverse impacts. These designations must occur only in situations where it has been substantiated that adverse impacts can not be mitigated by other management methods.

When the necessity for a closure has been established, additional trails and areas must be opened to offset the loss of that recreational opportunity.

Public Land Management agencies must implement and maintain an aggressive OHV program to educate users on how to reduce resource impacts. This is to be followed by an aggressive enforcement program.

The non-recreational use of OHVs, such as development and livestock operations, must be provided for in all areas unless restricted by law.