

Chapter Five

Public Lands

Introduction

Wasatch County is one of the smaller counties in the state with a total surface area of 1,207 square miles of which 68.24 percent consists of public lands managed by federal or state agencies. (See Table 21) These lands and their resources cannot be separated from the quality of life of Wasatch County by providing employment, forest products, open space, wildlife habitat, forage for livestock, recreation, and numerous other social and economic benefits. The agriculture, recreation and tourism, timber, minerals and oil and gas industries are vital to the economy of Wasatch County and require access to public lands.

The Utah Department of Workforce Services 1999 data indicate that lodging, recreation and restaurants provide 968 of the 6,227 nonagricultural jobs in Wasatch County. Service employment in Wasatch County is second only to trade employment with a total of 1,128 jobs (24.0 percent of workforce). With the tourist based economy of Wasatch County, restaurants are the largest employment area within the trade division and lodging is the leader in the service industry. Service and Trade industries generate over \$41.7 million annually to Wasatch County.

Access to and across public lands is vitally important for resource management and development. Wasatch County will exercise its right to participate in the planning and decision-making processes associated with public lands to the extent allowed by law. The County will seek to become a “cooperating agency” in the preparation of federal land and natural resource management plans and associated Environmental Impact Statements (EISs) that may affect the County by the outcome of the process.

Table 21
Land Ownership of Wasatch County, Utah

Land Owner	Acres	Percent of County
Forest Service	416,495	53.89
Bureau of Land Management	3,384	0.43
State Trust Lands	19,576	2.54
Ute Indians	2,206	0.28
Bureau of Reclamation	1,195	0.16
Water Bodies	22,598	2.93
State Parks	27,262	3.53
Division of Wildlife Resources	34,707	4.48
City and Towns	6,222	0.81
Private		
less than one acre	1,620	0.21
over one acre up to 5 acres	4,610	0.59
over 5 acres up to 10 acres	4,191	0.54
over 10 acres up to 20 acres	5,883	0.76
over 20 acres up to 40 acres	7,847	1.01
over 40 acres up to 160 acres	5,144	0.67
greater than 160 acres	209,995	27.17
TOTAL ACRES	772,835	100.00

Wasatch County supports the wise use, conservation and protection of public lands and their resources, including well-planned management prescriptions. It is the County's position that public lands be managed for multiple use, sustained yields, prevention of waste of natural resources, and to protect the health and welfare of the public. It is important to the County economy that public lands be properly managed to provide employment, quality of life, forest products, open space, habitat for fish and wildlife, livestock production, timber harvest, recreation, clean and reliable water production, energy production, mineral extraction and the preservation of natural scenic, scientific and historical values.

Multiple use and sustained yield management means that state and federal agencies shall develop and implement land and resource management plans and make other resource-use decisions which facilitate land and natural resources use allocations. These allocations must support the specific plans, programs, processes, and policies of state agencies and local governments. Such land and resource management plans shall be designed to produce and provide the watersheds, food, fiber, and minerals necessary to meet future economic growth needs and community expansion. Such plans shall meet the recreational needs of the citizens of Wasatch County and the state without permanent impairment of the productivity of the land.

In support of the national interest in energy independence and in consideration of the nation's increasing dependence on foreign oil, it is important that public lands remain open for oil and gas exploration and production.

The County recognizes that federal agencies are mandated to manage public lands according to federal laws, policies, and regulations established within the framework of the U. S. Constitution, including the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Federal Land Policy and Management Act (FLPMA), the National Forest Management Act (NFMA), the Wilderness Act, the Utah Wilderness Act and the Wild and Scenic Rivers Act.

Federal Agencies, under FLPMA, are required to ensure that federal land use plans are consistent with state and local plans to the maximum extent possible (provided the Secretary finds such plans to be consistent with federal law and the purposes of the act). Under NEPA, federal agencies are required to integrate environmental impact statements into state or local planning processes. Statements shall discuss any inconsistency of a proposed action with approved state or local plans or laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the federal agency would reconcile its proposed action with the plan or law.

Under federal law, counties have the power to request a yearly list of activities that are scheduled to occur within the county from each federal management agency. Counties have the right to be involved in public lands planning before the general public has the opportunity to be involved and before a preferred alternative is selected. The Public Lands Committee will review state and federal proposed activities and will make recommendations to the county as directed by the county master plan. The county may request that monitoring occur to determine the effects that land and resource management plans have on the local economy. The county is allowed to define what constitutes "community or economic stability."

Utah Code 63-38d-401, as amended by House Bill 88 (2004 Utah Legislature) provides a mechanism for improved coordination between government at the local, state and federal levels with respect to federal land management and requires the state planning coordinator to make certain findings (set forth in the state code) before lending state support to a proposed federal action. The provisions of Utah Code 63-38d-401 are incorporated herein by reference.

Purpose

Law and regulation dictate public land management. Various laws and regulations require public land managers to involve local government in the planning and decision-making processes. Further, federal and state land managers are required to ensure that land use plans and management decisions are consistent with local government's approved plans, ordinances and policies to the fullest extent possible while maintaining consistency with federal law.

This amendment to the public lands portion of the Wasatch County General Plan clearly and concisely state County policy, issues and objectives, and will be used by federal and state public land management agencies during public land planning efforts and decision-making processes.

This policy document has been developed to protect the interests of Wasatch County, the State of Utah, and the Nation. It is designed to ensure the spirit and intent of the laws, regulations, and policies that govern and manage public lands. This policy document also provides the basis for federal and state consistency analysis.

This policy document and subsequent implementation plans are to be followed unless inconsistent with any statute or duly promulgated regulation. Should any part of this policy document 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 provision or parts shall nevertheless remain in full force and effect. For the purpose of this policy, all reference to analysis means NEPA analysis, unless otherwise specified.

Objectives

The following objectives will guide the development of implementation to be used under this section and are a guide for public land managers during consistency review, planning and management processes. If the provisions of this policy document are germane to a proposal involving public lands planning by a state or federal agency, such agency shall consider the contents of this policy document in the decision-making process along with advice offered by Wasatch County during the process.

The County's objectives are:

- a. To support the wise use, conservation and protection of public lands and resources, including well-planned management prescriptions.
- b. To ensure that public lands are managed for multiple use and sustained yield and to prevent waste and deterioration of natural resources. Further, these lands should be managed to prevent the loss of resources (and private property that may be located within or near public lands) from catastrophic events including, but not limited to, fire, flooding, and insect and disease outbreaks and to protect the safety and health of the public.
- c. All plans and management decisions must ensure that special designations do not influence the use of resources on lands not listed. Wasatch 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. Wasatch County also opposes the imposition of Areas of Critical Environmental Concern (ACEC) classifications or Visual Resource Management (VRM) classifications as substitutes for former Wilderness Inventory Units or so-called Citizens' Proposed Wilderness Units, or as means to displace formerly valid surface occupying multiple use activities. It is the position of Wasatch County that the ACEC and VRM classifications are improper management tools unless narrowly drawn and tailored, both geographically and programmatically, to effect only those minimal restrictions which are actually necessary to prevent irreparable damage to valid and relevant resource values. Imposing ACEC classifications in the name of "protecting scenic values" is an improper use of the ACEC tool, which contradicts this County policy. Imposing VRM classifications that result in the prohibition of formerly valid surface occupying or surface disturbing activities is an improper use of the VRM tool, which contradicts Wasatch County policy.
- d. Restrictions placed on any resource must be based on trend analysis and only imposed after a complete analysis.
- e. Lands designated open for specific uses should be available on a timely basis. If such use is not covered in a resource management plan (RMP), then it will be analyzed in a separate document or by amendment to the RMP. Extended delays or no action will not be used as methods to accomplish land management agency goals.

- f. To protect and preserve the historical sites for the benefit of future generations.

It is the position of Wasatch County that public land agencies must consult with Wasatch County on plans or actions as directed by cooperating agency status. State Agencies will consult with Wasatch County as required by state law or by mutual agreement with the county. Federal public land agencies shall:

- a. Grant the County Cooperating Agency Status on any proposed actions within the NEPA process. The County shall be notified regarding natural resource area management actions and participate accordingly.
- b. File a written report detailing how consistency was analyzed with respect to agency actions or plans. The report must identify where inconsistencies exist, why consistency is impossible, and any plausible way to correct the inconsistencies.
- c. Provide an opportunity for Wasatch County to have meaningful participation in the development, monitoring and analysis of any studies conducted on resources associated with public lands.
- d. Notify Wasatch County of any proposed action that will affect the County's culture and heritage values.
- e. Provide an economic and social analysis when requested, which includes cumulative impacts, of proposed agency actions on Wasatch County's tax base, economy and cultural and heritage values.
- f. Certify that applicable data used to develop agency proposals meet the requirements of the Environmental Quality Data Act.
- g. Compensate any individual or entity physically or financially harmed by federal and state actions, brought about by condemnation or "takings", including negative impacts on the County tax base.
- h. Analyze the ability of Wasatch County to provide emergency services, law enforcement, water and waste management, search and rescue and other essential services to support a proposed agency action.
- i. Analyze the impacts of proposed agency actions on traditional uses such as recreation, grazing, energy development, water resources, timber, fish, and wildlife.
- j. Make no decisions on agency plans and actions in a piece-meal fashion. The agency must analyze the present and future impact of the proposal, including but not limited

- to buffer zones, protection of prey species, viewscales, roadless area and wild & scenic river reviews, etc.
- k. Mitigate negative impacts to Wasatch County of any agency proposed action.
 - l. Provide public access and rights-of-way for utilities and/or transportation of product and provide such additional access when future need is demonstrated.
 - m. Agency actions shall be reasonable and shall not cause excessive cost, time delays, or undue hardship to applicants or the citizens of Wasatch County.
 - n. Ensure that guidelines, protocols, and other policies used to direct any activity on public lands do not contain restrictions or protections not provided by law or regulation. Any such actions must be developed and implemented with local government and public participation.
 - o. Keep Wasatch County fully informed of public land management action proposals and allow time for development of the County position as provided by the cooperating agency status.
 - p. In the event the public agency seeks consultation with the County, the request shall be in writing.

Multiple Use and Coordination with Federal and State Agencies

This plan provides a positive guide for Wasatch County Public Lands Committee and Wasatch County Council 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 Wasatch County and its citizens. The Plan is designed to facilitate continued, revitalized and varied uses of federally and state managed lands within the County.

The Wasatch County Public Lands Committee, Wasatch County Council and the citizens of Wasatch County recognize that federal law mandates coordinated planning with local government of federally managed lands and they positively support varied uses of these lands as well as state managed lands. Such varied use necessarily include continued maintenance of the historic and traditional economic uses which have been made of federally managed and state managed lands within the County. It is therefore the policy of Wasatch County Public Lands Committee and Wasatch County Council work constantly to assure that federal and state agencies shall inform the County Council of all pending or proposed actions affecting local communities and citizens and coordinate with the County Council in the planning and implementation of these actions.

US FOREST SERVICE

16 U.S.C. Sections 1604(a)

The Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

Forest Service Regulations provide in part the following:

36 C.F.R. Sections 221.3(a) (1)

The Forest Service is obligated to consider and provide for “community stability” in its decision making processes.

36 C.F.R. Sections 219.7(a)

The Forest Service is obligated to coordinate with equivalent and related planning efforts of local governments.

36 C.F.R. Sections 219.7(d)

The Forest Service is obligated to meet with local governments, to establish process for coordination. At a minimum, coordination and participation with local governments shall occur prior to Forest Service selection of the preferred management alternative.

(Coordination is defined as “equal, of the same rank, order, degree of importance; not subordinate.” Black’s Law Dictionary 303 5th ed. 1979)

36 C.F.R. Sections 219.7(c)

The Forest Service is obligated, after review of the county plan, to display the results of its review in an environmental impact statement. See also 40 C.F.R. Section 1502.16(c) and 1506.2

36 C.F.R. Sections 219.7(c) (4)

The Forest Service is obligated to consider alternatives to its proposed alternative if there are any conflicts with county land use plans.

36 C.F.R. Sections 219.7(f)

The Forest Service is required to implement monitoring programs to determine how the agency’s land use plans affect on communities adjacent to or near the national forest being planned.

COURT CASES UPHOLDING LOCAL LAND USE PLANNING

California Coastal Commission v. Granite Rock Co., 480 U.S. 572 (1987)

State land use planning is allowed on federal lands as long as such land use planning does not include zoning. Federal agencies cannot claim “Constitutional Supremacy” if the agency can comply with both federal law and the local land use plan.

Wisconsin public U.S. Intervener v. Mortier, 111 S. CT. 2475 (1991)

When considering preemption, the U.S. Supreme Court will not assume that the State’s historic powers are superseded by federal law unless that is the clear manifest purpose of Congress.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

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 customs of local government.

16 U.S.C. Section 4331

“It is the continuing responsibility of the federal government to use all practicable means, consistent with other essential considerations of national policy, to... preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice.” 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.” *Webster’s New Collegiate Dictionary at 277 (1975)*. A custom is a usage or practice of the people, which, by common adoption and acquiescence, and by long and unvarying habit, has become compulsory and has acquired the force of law with respect to the place or subject-matter to which it relates. *Bouvier’s Law Dictionary, 417 (1st ed. 1867)*.

Thus, by definition, the National Environmental Policy Act requires federal agencies to consider the impact of their actions on the custom of the people as shown by their beliefs, social forms, and “material traits”. It is reasonable to read this provision of the National Environmental Policy Act as requiring that federal agencies consider the impact of their actions on rural resource dependent counties such as Wasatch County where, for generations, families have depended upon the “material traits” of ranching, farming, mining, timber production, wood products, recreation, hunting, fishing, water supply and other resources based lines of work for their economic livelihoods.

42 U.S.C. Section 4332(2) (c)

All federal agencies shall prepare an environmental impact statement (EIS) or an environmental assessment (EA) for “every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment.”

42 U.S.C. Section 4332 (C) (iii)

Such EIS or EA shall include, among other things, alternatives to the proposed action.

42 U.S.C. Section 4332 (C)

Copies of comments by State or local governments must accompany the EIS or EA throughout the review process

40 C.F.R. Section 1502.16 (c)

Each NEPA document shall include a discussion of possible conflicts between the proposed action and the local land use plans.

40 C.F.R. Section 1506.2 (b)

Federal agencies shall “cooperate to the fullest extent possible” to reduce duplication with State and local requirements.

40 C.F.R. Section 1506.2 (d)

Environmental impact statements must discuss any “inconsistency of any proposed plan with any approved State or local plan and laws (whether or not federally sanctioned).” Where inconsistencies exist, the EIS should describe the extent to which the agency would reconcile proposed action to the plan or law.

40 C.F.R. Section 1508 20 (e)

Mitigation includes (a) avoiding the impact altogether, (b) limiting the degree of the impact, (c) repairing, rehabilitating or restoring the effected environment, (d) reducing the impact by preservation opportunities, or (e) compensating for the impact by replacing or providing substitute resource or environments.

Douglas County v. Lujan 810 F. Supp. 1470 (1992)

A local government, because of a concern for its environment, wildlife, social-economic impacts and tax base, has standing to sue federal agencies and seek relief for violations of NEPA.

Vital Interests of Wasatch County

Timber Resources and Woodlands

The timber resources and woodlands of Wasatch County are considerable and mostly located on public lands. These public lands provide the watersheds for much of Wasatch County. They are dynamic natural systems that not only provide water, forage and habitat for wildlife, livestock and humans, they also help clean our air and offer places to recreate and find solitude. They also contain renewable timber, energy and mineral resources, and are the headwaters of our food supply. In recent years, timber activity has been reduced because federal and state policies have restricted use. This restriction has caused a loss of this renewable resource and has negatively impacted the health of timber resources. The risk of timber loss to wildfire, insects, disease, and reduced yields from watersheds has increased because of these management policies. Economic opportunities have been lost as well. It is our policy that watersheds and ecosystems be managed to maintain properly functioning condition within the framework of multiple use and sustained yield principles.

It is the position of Wasatch County that:

- a. All forestlands shall be managed for multiple use and sustained yield. Ensure realistic targets are established and outputs are sustainable over the long-term.
- b. Forest management plans shall be written and effective management techniques adopted to promote a stable forest economy and enhanced forest health, in accordance with the National Healthy Forest Initiative. (Act of 2003, P.L. 108-148) Efficient and effective use of National Environmental Policy Act Documentation for limited timber harvest will be encouraged. Use of Interim Directive (ID) 1909.15 – 2003-2 will be encouraged for timber harvest projects that do not require further analysis and may be categorically excluded as outlined in categories 12, 13 & 14 of said ID.
- c. Opportunities for harvesting forest products shall be promoted.
- d. Management strategies shall protect timber and adverse impacts to other resources from the devastating effects of fire (in accordance with the National Fire Plan and the National Healthy Forest Initiative), insects, disease, wind throw, blow down, ice storms, or imminent risk of such epidemics because of conditions on adjacent land.
- e. Harvesting techniques shall be employed that will prevent waste of forest products.
- f. Sound fuel load management techniques shall be used to minimize fire potential at the urban interface and prevent catastrophic events.
- g. Forest management techniques shall be implemented that will maintain or enhance watershed health and long-term water quantity, yield and quality.
- h. Management programs must provide opportunities for citizens to harvest forest products for personal needs, economic value and forest health.

Public Access and RS 2477 Roads

RS 2477 Roads are defined as roads built prior to October 21, 1976, on rights-of-way across non-reserved federal lands granted in accordance with the Act of July 26, 1866. Roads are a vital part of the infrastructure of Wasatch County providing access to public lands for development of natural resources, agriculture, recreation, and the preservation of the county's culture and heritage resources.

It is the position of Wasatch County that:

- a. Access to and across public lands, including RS 2477 Roads and rights-of-way should remain open and maintained to allow safe and reliable public access.
- b. All necessary action will be taken to protect access. The county will identify and inventory roads and participate with federal and state land management agencies in decision-making regarding site-specific management.
- c. Access and transportation needs shall be considered, evaluated and analyzed in the land use planning process in order to accommodate and be consistent with other uses. 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.
- d. Future access needs must be planned and analyzed to determine the disposition of the road at the completion of its intended life. This is to ensure that needed access is maintained or that such access is removed and resulting disturbances reclaimed.
- e. Access to all water related facilities such as dams, reservoirs, delivery systems, monitoring facilities, communication sites, etc., must be maintained. This access must be economically feasible with respect to the method and timing of such access.
- f. The County completed the Wasatch County Master Transportation Plan in 1998, to identify and plot the location of all Class B and Class D roads that are legitimately part of Wasatch County's transportation system. The County has prepared a map of its current transportation system in areas within the stewardship of the Federal and State Agencies, setting forth all roads claimed by the County as part of its transportation system. That map is expressly adopted and incorporated into this policy document by this reference as though fully set forth herein (Reference maps 19 - 20 Wasatch County General Plan and the Wasatch County RS 2477 Roads map). The maps include, but are not limited to, all roads claimed by Wasatch County pursuant to RS 2477. It is expected that the Federal and State Agencies will conform to the transportation provisions of the Resource Management Plan to be consistent

with the General Plan maps, as required by FLPMA Section 1712(c)(9). It is also expected that when such mapping is completed for areas under the stewardship of the United States Forest Service, the Forest Service will conform the transportation provisions of its forest plans to be consistent with such maps.

- g. Title V rights-of-way on public lands are granted in perpetuity and do not diminish any RS 2477 claim or right-of-way.
- h. Wasatch County objects to any effort to manage National Forest System Lands as de facto wilderness management regimen through additional roadless or unroaded area reviews. Utah Wilderness Act of 1984 (P.L. No. 98-24) mandates repeatedly that all Utah Forest Service Land not designated as wilderness, shall be managed on the basis of Multiple Use Sustained Yield principles until such time, that Congress may designate additional wilderness. The Utah Wilderness Act places a moratorium forbidding the 2004 efforts for additional roadless area reviews.

Energy and Mineral Resources

The oil and gas industry is a significant economic factor in Wasatch County. Leasing in the Strawberry Valley is associated with other known oil and gas fields in the State. As a result, most of the Strawberry Valley has been leased. Some 109,381.58 acres are covered with 49 pending and active leases located in Wasatch County. The oil and gas industry provides employment and economic opportunity and has the prospect to accounts for a significant percentage of the County's tax base. Historically, much of this activity has taken place on private land. Trends since the late 1980's have emphasized development of oil and gas on public lands. Access to public lands is critical to the development of energy and mineral resources.

It is the position of Wasatch County that;

- a. Access to public lands for mineral development must be maintained and increased in an environmentally sound basis to enhance the economic interest of county citizens and government.
- b. Mineral exploration and development are consistent with the multiple use philosophy for management of public lands. These activities constitute a temporary use of the land that will not impair its use for other purposes over the long term. All oil and mineral exploration activities shall comply with appropriate laws and regulations and shall be conducted in an environmentally sound process, including heli-drilling where appropriate.
- c. Encourage exploration of energy and minerals on public land to ensure that our future energy needs and resource management opportunities are considered. Agencies shall

- plan, fund, and encourage by policy and management decisions relative to energy resources.
- d. All management plans must address and analyze the possibility for the development of minerals where there is a reasonable expectation of their occurrence.
 - e. After environmental analysis, and as provided for in the governing resource management plan, all tracts will be available and offered for lease or opened to be claimed as provided by law. Wasatch County recognizes that, while all Federal administered land within the county is currently available for lease, decisions are made regarding oil and gas leases through the land use planning process. Alternatives identify areas where leasing may occur with standard lease terms, timing and controlled surface use stipulations or no surface occupancy. Additionally, some areas may be considered for no leasing in the future.
 - f. All permits and applications must be processed on a timely basis, in accordance with Onshore Oil and Gas Order Number 1. Procedures and required contents of application must be provided by the applicant at the time of application.
 - g. Development of the solid, fluid, and gaseous mineral resources of the state should be encouraged. The waste of fluid and gaseous minerals within developed areas should be prohibited. Requirements to mitigate or reclaim mineral development projects should be based on credible evidence of significant impacts to natural or cultural resources.

Livestock Grazing / Forage Allocations

The cultural heritage of Wasatch County is based on agriculture and livestock. These industries formed the historic basis of the local economy from the beginning days of settlement. Livestock grazing influenced lifestyles, left its imprints on the landscapes, and is one of the oldest enduring and economically important cultural heritage resources in the west. Although farms and ranches in the County were established on a private land base, during parts of the year livestock is pastured on public rangeland. The combination of public rangeland and private farmland constitutes the economic base for many of the County's livestock operations. If either the grazing permit or the private land is lost or diminished, the economic viability of those operations can be jeopardized. Domestic livestock grazing of native vegetation will reduce fine fuel loading and thus reduce the risk of wild land fire hazard.

Federal grazing permits issued under the Taylor Grazing Act (BLM) or the Granger-Thye Act (USFS) allow permittees the privilege to use publicly owned forage.

It is the position of Wasatch County that:

- a. Public land management agencies shall maintain livestock grazing permits and grazing allocations as established in their resource management plan until further analysis of rangeland improvements and conditions justifies increased or decreased grazing capacities.
- b. The County recognizes grazing permits on public lands as an asset, which may be waived and transferred by the agency. Such transactions must be processed by the land management agency within ninety days of proper notification. Any reduction in the capacity of the permit or forage allocation as a result of the transaction shall not be made without a specific scientific justification and analysis.
- c. When grazing permits are withdrawn from a livestock operator due to grazing violations, the permit shall not be reallocated to other uses and shall be made available for continued livestock use before the commencement of the next grazing season.
- d. Access to public rangeland is vital to the permit-holders and the management agency for planning, management, and development. Access shall be maintained and improved as management needs require.
- e. The permit-holder shall be compensated for the remaining value of improvements made at the expense of the permit-holder on the reduced allotments, unless the permit was canceled for non-compliance with grazing regulations. Said compensation will be provided for in accordance with Section 402 of the Federal Land Policy and Management Act of 1976, which provides a reasonable compensation for the adjusted value, to be determined by the Secretary concerned, of his interest in authorized permanent improvements placed or constructed by the permittee or lessee on lands covered by such permit or lease, but not to exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein.
- f. Livestock allocations shall not be converted to wildlife allocations with the intent to increase wildlife numbers as long as the land supports the grazing Animal Unit Months (AUM's) assigned to the allotment and documented in the resource management plan. The only justification for decreasing domestic livestock grazing AUM's is for there to be a valid and documented scientific finding that the range allotment will no longer support the AUM's in question. The BLM and Forest Service are expected to comply with and honor the domestic grazing preference on grazing allotment.

Wasatch County recognizes that 43 CFR part 4110.3 provides for changes in permitted use. Conversion of allocated forage from one grazing animal to another would require a NEPA process that conforms with land use plans.

- g. Management decisions shall be based on the individual range allotment condition and not on the overall condition of surrounding lands. Increases in available forage

resulting from the conservation practices of livestock permit-holders (temporary non-use) shall not be allocated or credited to other uses.

- h. Forage allocation reductions resulting from forage studies, drought, or natural disasters shall be implemented on an allotment basis. Reductions shall be applied proportionately to all allocations unless it can be proven that a specific type of grazing animal is causing the land health degradation. Wasatch County recognizes that, in the event of fire, drought or natural disaster, a variety of emergency or interim actions may be necessary to minimize land health degradation, such as temporary reduced forage allocation for livestock and wildlife. Forage allocation reductions shall be temporary. Grazing allocations shall be restored when forage production is restored
- i. Noxious weed and invasive plant control efforts that affect forage allocations shall be discussed by the land management agency with livestock representatives, neighboring landowners, and the County weed specialist. After the discussion, a weed control plan shall be developed and implemented. Control of noxious weed species shall be conducted in accordance to the Wasatch County Noxious Weed Plan.
- j. Public land management agencies shall endeavor to inspect riparian and sensitive areas with livestock permittees.

If riparian areas are damaged or degraded before the livestock enter the grazing allotment, the management agency and representatives shall make a record of the condition and appropriate mitigation shall be acceptable to all parties. A copy of the signed report shall be filed with the agency and provided to the permit-holder, Wasatch County and the appropriate state agency responsible for the management of the offending wildlife species.

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

- n. Predator numbers must be managed and controlled to protect livestock and private property values.

Recreation and Tourism

Wasatch County has identified the recreation and tourism industries as a major part of its economy and tax base. Results of the 1994 tourism and recreation survey showed overwhelming support for tourism and recreation as an investment in the communities and that the greatest return to the county is through improved recreation opportunities. These industries have a stabilizing effect on the economic cycles. Public lands are a critical component of tourism and recreation in Northeastern Utah. Wasatch County will continue to support private individuals and companies who hold permits on public lands related to recreation and tourism.

It is the position of Wasatch County that:

- a. Public land agencies shall evaluate proposed plans and actions for impacts on existing recreational activities.
- b. Public land agencies shall evaluate their plans and actions for potential future recreational activities.
- c. Public land agencies shall support the County in developing desirable recreation facilities including, but not limited to, hiking trails, camping opportunities, cross country skiing, snowmobiling, off-highway-vehicle (OHV) opportunities, biking and others as determined by the Wasatch Public Lands Committee.
- d. Recreational activities are compatible with resource development if properly planned and managed.
- e. Access to and through public lands is essential to healthy recreation and tourism within the County.
- f. Trail development is strongly supported by 60 % of surveyed residents of Wasatch County. Existing and future trails on State and Federal managed lands should be developed to access key destinations and public gathering areas outside the agency's jurisdiction.
- g. Wasatch County encourages the joint development of Trail Corridors that create the maximum benefit to the recreation user.
- h. Off-highway vehicles should be used responsibly, and the management of off-highway vehicles should be uniform across jurisdictional boundaries. Laws related to the use of off-highway vehicles should be uniformly applied across all jurisdictions.

- i. Public land agencies shall provide opportunities for off-highway vehicle trails, roads or areas specifically designated by the land management agency for that purpose.

Water Resources

The infrastructure and communities of Wasatch County are primarily located on 239,290 acres of privately owned land. The utility of these lands is dependent on water that flows to them from watersheds located on public lands. The rivers and streams flowing from these watersheds supply water for municipal, industrial, livestock, irrigation, and recreation use. As set forth in Utah Code 63-38d-401 (5) (c), “The waters of the state are the property of the citizens of the state, subject to appropriation for beneficial use, and are essential to the future prosperity of the state and the quality of life within the state.”

It is the position of Wasatch County that:

- a. Utah State Water Laws of Prior Appropriation Doctrine and Beneficial Use are recognized as the legal basis for perfecting all water rights for the use of all water within Wasatch County.
- b. Any proposed action must include an analysis of the effects on water quality, stream flow, the amount of water yields, and the timing of those yields. Any proposed action or non-action that results in a decrease in water quality, quantity, flow, or changes the timing of flows in a way that negatively affects water rights, shall be opposed.
- c. Any proposed agency action must be analyzed for impacts on water resource and management facilities such as dams, reservoirs, delivery systems, culinary water supplies, and monitoring facilities, etc., located on or downstream from land covered by the proposal.
- d. Privately held water rights shall be protected from federal and/or state encroachment or coerced acquisition. Wasatch County shall oppose any movement toward nationalization or federal control of Utah water rights and resources.
- e. State water right filings held by individuals, culinary water districts, or corporations are a private property right that may be sold, exchanged, or held separately from the land by any entity. Individual stockholders within a mutual irrigation company are entitled to a proportionate share of the company’s water for irrigation use, based on their shares of stock in the company.
- f. Potential reservoir sites and delivery system corridors shall be identified in land use plans and protected from federal or state action that would prohibit or restrict future use for those purposes. Said plans would include provisions for adding or deleting potential reservoir sites and delivery system corridors when deemed appropriate.

- g. Any proposed sale, lease or exchange of water rights involving a public land management agency shall address the interests of Wasatch County, and such a sale must include appropriate mitigation.
- h. Agency actions shall recognize all legal canal, lateral, and ditch easements and rights-of-way.
- i. Livestock grazing and other multiple uses are compatible with watershed management and shall be included in any analysis of projects proposed.
- j. All reasonable water conservation efforts shall be supported. Water conserved as a result of these efforts shall be allocated to those persons or entities whose efforts created savings, within the limits of their water rights.
- k. The management of the watershed should allow for continued multiple use. It should preserve the quality and quantity of water as well as environmental values and allow the watershed to support existing and future uses.

Soils

It is the position of Wasatch County that land management agencies shall use management programs and initiatives which improve watersheds and increase forage for the mutual benefit of the agricultural industry and wildlife species by utilizing proven techniques and tools:

- a. Apply scientifically effective practices to maintain and improve the quality and quantity of desirable plant cover to protect watersheds, timber, and rangelands from soil erosion.
- b. Install structural measures to prevent soil erosion, as needed.
- c. Recognize the Natural Resource Conservation Service (NRCS) soil survey as the authority in matters of soil conservation.
- d. Base soil conservation activities on all available survey drafts until a final survey is published. Any deviation from this material or soil data developed outside of the survey must be coordinated with the Wasatch County Soil Conservation District and Natural Resource Conservation Service (NRCS).
- e. Noxious weeds will be controlled to prevent the loss of soil resource.

Air Quality

Air quality in Wasatch County presently meets the standards established by the Environmental Protection Agency (EPA) for all criteria pollutants. The health and well being of the County's residents depends on improving or maintaining County air quality.

It is the position of Wasatch County that:

- a. Wasatch County air quality will be protected by standards described in the Utah State Implementation Plan approved by the EPA, whose authority is the Clean Air Act of 1990.
- b. High-level air quality is necessary to prevent restrictions on future economic development.
- c. Baseline air quality data must be established for Wasatch County with full participation of the County. Decisions must be based on this data.
- d. Air in Wasatch County must be protected from degradation by outside sources.

Land Exchanges, Acquisitions, and Sales

Whereas more than fifty-percent of Wasatch County consists of public lands managed by federal or state agencies, federal agencies should support government-to-government exchange of land with the state based on a fair process of valuation that meets the obligations of both the state and federal governments. State trust lands management, must assure that revenue authorized by federal statute to the state from mineral or timber production, present or future, is not diminished in any manner.

It is the position of Wasatch County that:

- a. Prime agricultural lands should continue to produce food and fiber and the rural character and open landscape of Wasatch County should be preserved through a healthy agricultural industry consistent with private property rights.
- b. The County shall be compensated for loss of private lands or tax revenues due to land exchanges.
- c. Private lands shall not be converted to state or federal ownership in order to compensate for government activities outside of Wasatch County.
- d. Any conversion from private property to public lands shall result in no net loss of private property. No net loss shall be measured both in terms of acreage and fair market value. All proposed conversions will be reviewed by the Wasatch County

Public Lands Committee to evaluate the impact of the proposal and advise the County Council of their recommendation.

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

Noxious Weeds and Invasive Plant Species

Noxious weeds and invasive plants are a significant problem in Wasatch County and have been the focus of considerable effort for many years. The invasion of noxious weeds and undesirable invasive plant species into Wasatch County should be reversed, their presence eliminated, and their return prevented.

It is the position of Wasatch County that:

- a. Farmers, ranchers, land management agencies and governments work together in a coordinated effort to control noxious weeds in Wasatch County. These interests shall develop common management goals, facilitate effective treatment, and coordinate efforts through the county “Coordinated Weed Management Area” program.
- b. The Wasatch County Noxious Weed Management Plan shall be implemented for preventing, containing, or controlling undesirable plant species or groups of species using all available strategies and techniques prescribed by the State Noxious Weed Act.

Wildlife and Fish

Wildlife has always been an important part of America’s cultural lifestyle and is an important part of Wasatch County’s tourism and recreation economy. During the past fifty years there have been wide swings in deer and elk populations. In the 1950’s, deer populations were extremely high, while no elk were present in the County. Following the 1950’s, elk were re-introduced to the area and have increased to the present high levels, while deer populations have declined.

On a seasonal basis, big game animals migrate among public, private and tribal lands. These movements create issues concerning damage to private property and game management.

Utah Code 23-21-2.5 (2) states “When changing any existing right to use the land, the division shall seek to make uses of division-owned land compatible with local government general plans and zoning and land use ordinances.”

It is the position of Wasatch County that:

- a. Wildlife management agencies, public land management agencies and the County shall work together to manage big game populations that are compatible with livestock grazing and are within the allocations set by the resource management plan.
- b. Wildlife agencies shall find effective ways to mitigate and compensate landowners for damage caused by big game animals on private property. Wasatch County recognizes that the Utah Division of Wildlife Resources is authorized by Utah Code to mitigate damage to agricultural crops, equipment and improvements, and that a process to do so is in place. (Utah Code section 23-16-4)
- c. Wildlife populations shall not be increased nor shall new species be introduced until forage allocations have been provided and an impact analysis completed analyzing the effects on other wildlife species, available habitat, and livestock.
- d. Reduction in forage allocation resulting from forage studies, drought, or other natural disasters will be shared proportionately by wildlife, livestock and other uses.
- e. Increases in forage allocation resulting from improved range conditions shall be shared proportionally by wildlife, livestock and other uses.
- f. Wildlife target levels and/or populations must not exceed the forage assigned in the resource management plan forage allocations.
- g. Predator and wildlife numbers must be controlled to protect livestock and other private property and to prevent population decline in other wildlife species.
- h. Resource-use and management decisions by federal land management and regulatory agencies should support state-sponsored initiatives or programs designed to stabilize wildlife populations that may be experiencing a scientifically proven decline in numbers.
- i. Land management agencies shall make every effort to provide additional opportunities for fishing on public lands in Wasatch County.

Introduced, Sensitive, Threatened and Endangered Species

Introduced, reintroduced, sensitive, threatened and endangered species; recovery plans; experimental populations; and related guidelines and protocols are addressed in this section. The County supports the Endangered Species Act of 1973, which is administered by the United States Fish and Wildlife Service, and recognizes that it is intended to prevent the extinction of threatened and endangered plant and animal species by preserving the ecosystems upon which these species depend. The County also realizes that various species

play an important role in the natural environment and may have important future values that are presently unknown.

It is the position of Wasatch County that:

- a. No threatened and endangered species shall be proposed for listing in Wasatch County until verifiable scientific data has been made available to the public that there is a need for the designation that protections cannot be provided by other methods, and the area in question is truly unique compared to other area lands.
- b. Buffer zones for the protection of threatened and endangered species or other special designations are not acceptable.
- c. The County does not believe that it is the intention of the Act to restore all original habitats once occupied by a specific species, but only the amount needed to protect the species from extinction.
- d. These designations or reintroduction plans often grow beyond the stated boundaries and scope, and result in detrimental effects on the area economy, life style, culture and heritage. The Fish and Wildlife Service shall exclude areas from critical habitat designation if the economic damage is considered by the county as being too great.
- e. Designation or reintroduction plans, guidelines, and protocols must not be developed or implemented without full County involvement and public disclosure.
- f. Any analysis of proposed designations or reintroductions must be inclusive and analyze needed actions associated with the proposal to prevent growth beyond the scope and boundaries.
- g. Recovery plans must provide for indicators to track the effectiveness of the plan and identify the point at which recovery has been accomplished. Such designations shall provide access for reservoirs, maintenance of irrigation facilities, fire, and weed and pest control.
- h. Devaluation of private property by the Endangered Species Act is a “taking” under the 5th Amendment of the U.S. Constitution and compensation must be made.
- i. On BLM, National Forest, Utah Reclamation, Mitigation and Conservation Commission and Utah Division of Wildlife Resources lands within the Strawberry Greater Sage Grouse Management Areas in Wasatch County, the Greater Sage-grouse shall be managed in accordance with the 2013 State of Utah Conservation Plan for Greater Sage Grouse in Utah and any subsequent amendments thereto. On private, local government and SITLA lands within the sage grouse management areas, compliance with this plan is strictly voluntary. Wasatch County recognizes that federal law mandates coordinated planning with local government of federally

managed lands and they support interaction and coordination with all Federal Agencies.

Special Designations

Special designations include wilderness designations, wild and scenic rivers, Areas of Critical Environmental Concern (ACEC), critical habitat, primitive, semi-primitive and non-motorized travel areas, and other designations that may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations may result in resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.

It is the position of Wasatch County that:

- a. The objectives of special designations can be met by well-planned and managed development and use of natural resources.
- b. Special designations shall not be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by any other means and that the area in question is truly unique or essential compared to other area lands. The Uinta National Forest final inventory of rivers considered for inclusion into the National Wild and Scenic Rivers System identifies Little Provo Deer Creek as potentially eligible. The segment of river identified has no outstanding or remarkable value other than Cascade Springs itself. Wasatch County opposes inclusion of this segment for consideration in the Wild and Scenic Rivers System.
- c. Special designations can be detrimental to the County's economy, life style, culture, and heritage. Therefore, special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.
- d. Wasatch County support for the addition of a river segment to the Wild and Scenic Rivers System shall be withheld until:
 - (i) It is clearly demonstrated that water is present and flowing at all times;
 - (ii) It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;

- (iii) The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
 - (iv) It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;
 - (v) 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. All valid existing rights, including grazing leases and permits shall not be affected.
- e. Wasatch County support for the designation of an Area of Critical Environmental Concern shall be withheld until:
- (i) It is clearly demonstrated that the proposed area contains historic, cultural or scenic values, fish or wildlife resources, or natural processes, which are unique or substantially significant;
 - (ii) The regional values, resources, processes, or hazards have been analyzed by the federal agency for impacts resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and that this analysis describes the rationale for any special management attention required to protect, or prevent irreparable damage to the values, resources, processes, or hazards;
 - (iii) The difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and that any determination of irreparable damage has been analyzed and justified for short and long-term horizons;
 - (iv) It is clearly demonstrated that the proposed designation is not a substitute for a wilderness suitability recommendation.
 - (v) The conclusions of all studies are submitted to the county for review, and the results, in support of or in opposition to, are included in all planning documents.
 - (vi) Any impacts on private property rights are evaluated and mitigated.

Wasatch County Public Lands Committee

Consistent with its responsibility to participate in the public land management process, the Wasatch County Council has accepted the responsibility by the establishment of the Wasatch County Public Lands Committee, and charged said committee to write and implement a new public lands policy document that shall outline the County's policies as they relate to public land management agencies. The Public Lands Committee will consist of a Chairman selected from the committee members, three Wasatch County Councilmen as assigned by the County Council, County Planning Director, or his designee, from the Wasatch County Planning Department, the Wasatch County Public Lands Coordinator and others as may be designated from time to time by the County Council. Public Land Management Agencies will be encouraged to participate and provide their expertise at regularly scheduled meetings to assist in the development of recommendations that will be forwarded to the County Council.

The Public Lands Committee is assigned the following tasks:

- a. Study public land management planning, policies and decision-making processes.
- b. Develop an action-plan to provide a basis for the county's participation in public lands issues.
- c. Monitor the activities of public land management agencies.
- d. Engage the citizenry in dialogue relative to public land issues.
- e. Make recommendations to the Wasatch County Council with regard to public lands issues.
- f. At the direction of the Wasatch County Council, participate in the public lands management planning and decision-making processes on behalf of the county. Wasatch County Council will have the right to make the final decision on any issue related to the intent or direction of the Public Land Policy.
- g. Revise or amend the county public land use policies, as needed and directed by the County Council.

In order to accomplish these tasks, the Public Lands Committee shall:

- a. Meet once a month or as necessary
- b. Select a chairman who shall:

- (i) Assign qualified committee members to attend specific meetings relative to public lands issues;
- (ii) Assign qualified committee members to review environmental and public land use documents;
- (iii) Assign qualified committee members to prepare reports for the Wasatch County Council; the reports shall document compliance or noncompliance with the county public land use policies;
- (iv) Assign qualified committee members to prepare responses from the Wasatch County Council to the public land management agencies;
- (v) Report to the Wasatch County Council once per month or as necessary;
- (vi) Recommend the hiring of consultants with special expertise to review documents, perform surveys, write opinions, and perform other tasks as directed by the Wasatch County Council;
- (vii) Solicit public input at regularly scheduled meetings to assist in the development of recommendations to be made to the Wasatch County Council with regard to public land issues.