

Wayne County Resource Management Plan:

I. Scope and Authority

Wayne County asserts planning authority over all lands and natural resources within its geographical boundaries even though the United States owns the vast majority of those lands and resources. Like any other landowner in the County, the United States is subject to Wayne County's land and natural resource plans and policies to the maximum extent, provided such plans and policies of Wayne County are consistent with federal law. This is so for the following reasons:

1. The United States Constitution at Article I Section 8 Clause 17 grants Congress the power of exclusive legislation only over the District of Columbia and other places purchased by the consent of State Legislatures for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. The Utah Legislature reinforced this principle at Utah Code 63L-1-201, by ceding jurisdiction to the United States only over those lands used for the purposes spelled out in the U.S. Constitution Article I Section 8 Clause 17. No such lands are located in Wayne County. Therefore, there is no constitutional basis for the Federal Government to assert exclusive jurisdiction over any federal land in Wayne County. As the Tenth Amendments to the United States Constitution states:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

2. Utah Code § 17-27a-401(4) allows Wayne County to “define the county's local customs, local culture, and the components necessary for the county's economic stability.” (Emphasis added.) Subsection (5) of that statute gives the County sole discretion, subject to certain restrictions not relevant here (see 17-27a-403(2)), to “determine the comprehensiveness, extent, and format of the general plan.” In other words, Wayne County has the legal authority to make its General Plan broad and comprehensive to address all land use issues on federally owned ground in Wayne County. Under Utah Code § 17-27a-401(2), Wayne County's general plan may provide for:

- (a) the health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
- (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
- (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water; and
 - (ii) drainage, sanitary, and other facilities and resources;

- (d) the use of energy conservation and solar and renewable energy resources;
- (e) the protection of urban development;
- (f) the protection or promotion of moderate income housing;
- (g) the protection and promotion of air quality;
- (h) historic preservation;
- (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and
- (j) an official map.

3. County ordinance powers do carry the weight or force of law, but county ordinance making authority does not extend to federally owned lands. Utah Code 17-27a-304. County plans are advisory and do not of themselves carry the weight or force of law, like a county ordinance does. Utah Code § 17-27a-405. But County planning authority is broad enough to cover federally owned lands. See the code provisions in the foregoing section.

4. It is federal law that gives county plans their legal clout. Not only does the Constitution at Article I, Section 8 Cl. 17 and the Ninth and Tenth Amendments leave the federal government powerless to assert exclusive jurisdiction over federal lands in Wayne County, let alone own them in perpetuity, but federal statutes and regulations require that federal land use plans shall be consistent and done in coordination with state and local government plans for Forest and BLM lands. The following federal statutes and related regulations require federal agencies to honor, respect and give due consideration to Wayne County's general plan:

National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321, *et seq*, and related regulations:

42 United States Code (U.S.C.) § 4331(a):

Continuing policy of the Federal Government to work in cooperation with State and local governments to carry out policies of NEPA.

40 Code of Federal Regulations (C.F.R.) § 1501.2(d)(2)

Federal agencies to consult early in the Environmental Impact Statement (EIS) process with state and local agencies.

40 C.F.R. § 1501.7(a)(1)

Federal agencies to involve state and local agencies in the EIS scoping process.

40 C.F.R. § 1502.16(c)

EIS to discuss possible conflicts between proposed action and state and local land use plans.

January 26, 2011 Draft With Changes Recommended by Planning & Zoning Commission

- 40 C.F.R. § 1503.1(a)(2)(i) Federal agencies developing EIS have duty to invite comments from state and local agencies authorized to develop and enforce environmental standards.
- 40 C.F.R. § 1504.4(a) Federal agencies must assess and consider such comments and respond thereto. Possible responses include modifying alternatives including the proposed action, developing alternatives not already considered, and improve and modify their analyses.

Federal Land Policy Management Act (FLPMA), 43 U.S.C. §§ 1701, *et seq.*, and related regulations:

- 43 U.S.C. § 1712(c)(9) BLM shall (1) coordinate land use planning and management activities with land use planning and management programs of state and local governments, (2) assure consideration is given to germane state and local plans, (3) assist in resolving, to the extent practical, any inconsistencies between federal plans and state and local plans, (4) provide for meaningful involvement of state and local governmental officials in developing land use programs and land use decisions, and (5) receive advice from state and local governmental officials on the development and revision of land use plans and guidelines. (6) BLM's plans shall be consistent with state and local plans to the maximum extent consistent with federal law and FLPMA's purposes.

Similar regulatory requirements concerning the duty to coordinate with state and local governments and be consistent with state and local government land use plans are found in 40 C.F.R. §§ 1601.0-2, 1601.0-8, 1610.3-1, 1610.3-2, 1610.4-1, 1610.4-2, 1610.4-4, 1610.4-7, and 1610.4-9.

5. Wayne County is a political subdivision of a state whose policy it is "to claim and preserve by lawful means the rights of the state and its citizens to determine and affect the disposition and use of federal lands within the state as those rights are granted by the United States Constitution, the Utah Enabling Act, and other applicable law." Utah Code 63C-4-105(1).

6. Whenever the Governor's state planning coordinator gets involved in federal land use planning in Wayne County, he is required by law to incorporate the plans, policies, programs, processes, and desired outcomes of Wayne County, to the maximum extent consistent with state and federal law without infringing upon the authority of the governor. Utah Code 63J-4-401(3)(a).

II. Resource Management Plan

1. Multiple Use Management.

Multiple use and sustained-yield management principles shall be applied in public land use and natural resource planning and management in Wayne County. This is how the citizens of Wayne County are best served. Multiple-use and sustained-yield management means that land owners and land management agencies should develop and implement management plans and make other resource-use decisions that:

(A) achieve and maintain in perpetuity a high-level annual or regular periodic output of agricultural, mineral and various other resources from public lands in Wayne County,

(B) support valid existing transportation, mineral, and grazing privileges in Wayne County at the highest reasonably sustainable levels;

(C) are designed to produce and provide the desired vegetation for the watersheds, timber, food, fiber, livestock forage, and wildlife forage, and minerals that are necessary to meet present needs and future economic growth and community expansion in Wayne County without permanent impairment of the productivity of the land;

(D) meet the recreational needs and the personal and business-related transportation needs of the citizens of Wayne County by providing access throughout the county;

(E) meet the needs of wildlife, provided wildlife populations are kept at a reasonable minimum so as to not interfere with originally permitted Animal Unit Month (AUM) levels under the Taylor Grazing Act;

(F) protect against direct and substantial impacts to nationally recognized cultural resources, both historical and archaeological;

(G) meet the needs of economic development;

(H) meet the needs of community development; and

(I) provide for the protection of water rights and reasonable development of additional water rights;

2. "Wilderness Characteristics" management.

(A) No public lands in Wayne County, other than Congressionally designated wilderness areas and FLPMA Section 603 designated wilderness study areas (WSAs) should be managed for so-called "wilderness characteristics." No public lands in Wayne County, other than Congressionally designated wilderness areas and FLPMA Section 603 designated wilderness study areas (WSAs) should be managed as if they are or may become wilderness. Such management of non wilderness and non WSA public lands, circumvents the statutory wilderness process and is inconsistent with the multiple-use and sustained-yield management standard that applies to all such lands.

(B) Eleven areas were identified in the 2008 Richfield RMP as non-WSAs units with alleged wilderness characteristics, points with which Wayne County disagreed. Prior to finalization and adoption of the 2008 Richfield RMP, Wayne County had adopted county plan amendments for multiple use management specific to each of those 11 areas. Those plan amendments are incorporated into this Wayne County Resource plan and are attached as Appendix 2-1 through 2-11. Ten of these eleven areas are indicated by the cross diagonal and hatched overlay lines on the maps shown in Appendices 2-12 through 2-15. (See also the legend and explanation of land classifications in Appendix 2-16.) The eleventh area, The Parker Mountain proposed Area of Critical Environmental Concern (ACEC) area, is shown in Appendix 2-17.

3. Water and Watersheds.

(A) All waters in Wayne County are owned exclusively by the State of Utah in trust for Wayne County's citizens, are subject to appropriation for beneficial use, and are essential to the present future prosperity and quality of life within the Wayne County. The State of Utah and Wayne County have the right to develop and use its entitlement to interstate rivers, including so much of the Colorado River drainage that flows through Wayne County. All water rights desired by the federal government must be obtained through the state water appropriation system.

(B) No river segment in Wayne County should be considered eligible or suitable for inclusion in the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq.

(C) The 2008 BLM RMPs recommendation of a segment of the Fremont River as suitable for inclusion in the Wild and Scenic Rivers System (see mapped location of this segment at Appendix 3-1), is incorrect and bad policy, because the proposed inclusion is not outstandingly remarkable on a regional scale, and because the proposed inclusion

(i) Threatens to adversely affect water rights and agricultural interests in Wayne and Garfield Counties;

(ii) Threatens to interfere with the use and enjoyment of water rights on the Fremont and other river corridors upstream and downstream;

(iii) Threatens to interfere with the ability of water rights holders upstream and downstream to use impoundment and other means to control the volume of flow in order to manage water resources throughout the growing season; and

(iv) Threatens to imply a federal water right where none exists.

(D) Watersheds should be actively managed, by removal of forest understory and removal of pinion and juniper succession that have taken over historic grasslands.

4. Outdoor Recreation

Outdoor recreation is an important potential source of economic activity in Wayne County.

(A) Factory Butte Special Recreation Management Area. Wayne County supports and adopts as its own plan, the Factory Butte Special Recreation Management Area (SRMA) that was approved and adopted as part of the 2008 BLM Richfield Final RMP.

(B) Wayne County urges BLM to implement this plan, lift the 2007 closure order and open the Factory Butte SRMA to the public immediately. Nearly three years has passed since adoption of the final Richfield RMP, and as of the Summer of 2010 the closure order is still in place and the SRMA has yet to be implemented.

(C) Wayne County supports development of a county wide bicycle-pedestrian pathway system through a partnership among Wayne County, Federal land management agencies, the Wayne County Business Association and local communities. The purpose of this partnership is to provide a safe and convenient system of bicycle-pedestrian pathways that establish alternative non-motorized transportation as a viable option to connect public lands and communities for residents, tourists and visitors in Wayne County.

5. Wildlife

(A) Beneficial wildlife management is tied to how livestock grazing allotments are managed. Increasing forage for livestock benefits wildlife; the two directly and mutually benefit from improved grazing conditions.

(B) Wildlife hunting and fishing provide important recreational and economic opportunities in Wayne County. Therefore, hunting licenses and permits should be increased until wildlife herds are brought down to reasonable population levels so as to not interfere with original permitted AUMs originally established on all public lands allotments in Wayne County. That way, both hunting and recreationists and livestock grazers benefit together.

(C) Therefore, wildlife population goals should be quickly adjusted and changed in response to variations in the amount of available forage caused by drought or other climatic adjustments, and wildlife management agencies should give due regard to livestock needs, as a way of improving and preserving the vitality of wildlife populations. Wayne County supports the provisions in Utah Code 63J-4-401, passed into law under House Bill 264 of the 2005 General Legislative Session, regarding the interaction between wildlife and grazing livestock.

(D) The bison population on the Henry Mountains is out of control and destroying forage for valid and existing livestock grazers. The bison population limits of 275 head on the Henry Mountains, agreed to by the State DWR and the Henry Mountains Grazing Association,

should be enforced immediately, through increased hunting permits. A copy of the Utah DWR August 7, 2007 Henry Mountains Bison Management Plan is attached as Appendix 5-2. Wayne County notes that Utah DWR has failed to follow this plan, in that the bison population on the Henry Mountains is way over the population limits set forth in the plan.

(E) Wayne County's policy is that Utah DWR should have a verifiable system and method for its annual count of bison on the Henry Mountains. There is no way to verify the accuracy or methodology of the DWR bison head count. The manner in which DWR itself is in charge of the head count, degrades public confidence. The person or entity counting the bison should be independent of DWR, in order to restore public confidence in the head count process.

(F) Attached as Appendix 5-3 is a proposed bill which Wayne County supports for passage by the Utah Legislature and Governor, which calls for awarding a certain number of bison hunting tags to the Henry Mountains Grazing Association to sell and use the proceeds to restore damaged livestock grazing lands damaged by DWR's mismanagement which has led to an overpopulation of bison in the Henry Mountains area. Wayne County supports this legislation and will continue to lobby until it is adopted into law.

(G) Wayne County favors aggressive and timely action to control predators that prey on livestock.

(H) Wayne County's policy is that antelope on Parker Mountain should be limited to 1500 head maximum. This should be a target for management by DWR, BLM and SITLA.

(I) Utah DWR and BLM have failed to control the deer and elk population on the slopes around the habitable valleys and private property in the valleys of Wayne County, resulting in damage to agriculture assets by deer and elk who are driven down from the slopes to the valleys in search of food. Wayne County's position is either DWR and BLM should effectively manage the habitat and deer and elk population, or private citizens should be allowed use reasonable means to protect their agricultural assets.

6. Vegetative Resources

(A) Forests, rangelands, timber, and other vegetative resources should be managed with the goal of restoring and maintaining maximum forage for livestock at originally permitted livestock AUM levels for all BLM and Forest allotments in Wayne County, as the health and sustainability of each allotment allows. Striving to improve rangeland health in order to meet these AUM targets will mutually benefit both livestock and wildlife species, as long as long as wildlife population levels are limited so as to not interfere with those originally permitted livestock AUMs.

(B) Best management practices should be employed such as chaining, logging, seeding, burning, and other direct soil and vegetation prescriptions that are demonstrated to restore forest and rangeland health, increase forage, and improve watersheds in grazing districts and allotments for the mutual benefit of domestic livestock and wildlife.

(C) The invasion of noxious weeds and undesirable invasive plant species into the County should be reversed, their presence eliminated, and their return prevented. The policies of the Forest Service and BLM should be flexible enough to allow citizens, the County, the State and Federal Land management agencies to aggressively timely combat such invasive plant species. This includes programs to aggressively remove Boulder Thistle and larkspur.

(D) Responsible watershed management includes aggressive removal of pinion and juniper succession that have taken over what were once productive and water enhancing grasslands. Chaining, burning and other proactive management uses to reverse pinion and juniper and decadent sagebrush communities, is necessary in order to restore important grasslands vital to the County's watershed, livestock and wildlife values.

(E) Wayne County's policy and plan for all public lands is that no more than 25% of rangelands should be dominated by old sage brush, pinion or juniper vegetation.

(F) Appendices 6-1 through 6-3 are maps of western Wayne County, middle Wayne County and eastern Wayne County respectively, showing where proactive vegetation treatment, such as logging, chaining, thinning, burning, removal of understory and other management uses should occur to promote vegetative health and improve watersheds. The three types of treatments planned for are A) Alpine treatments, B) Pinion and Juniper treatments and C) treatments for Black-brush, Sagebrush and invasive plants. See Appendix 6-4 for a paper concerning the benefits of active forest management.

7. Livestock Grazing and Other Agricultural Uses

(A) Agricultural and grazing lands in Wayne County should continue to produce the food and fiber needed by the citizens of the county, state and nation, and the rural character and open landscape of Wayne County should be preserved through a healthy and active agricultural and grazing industry, consistent with private property rights and state fiduciary duties.

(B) Active AUMs on public lands grazing allotments in Wayne County should return to their originally permitted levels, as the health and sustainability of each allotment will allow through active management. In the interim, the amount of domestic livestock forage expressed in animal unit months for permitted active use as well as the wildlife forage imputed in that amount, should be no less than the maximum number of animal unit months sustainable by range conditions in grazing allotments and districts, based on an on-the-ground and scientific analysis.

January 26, 2011 Draft With Changes Recommended by Planning & Zoning Commission

(C) when practices described in the preceding paragraph increase a grazing allotment's forage beyond the total permitted forage use that was allocated to that allotment in the last federal land use plan or allotment management plan still in existence as of January 1, 2005, a reasonable and fair portion of the increase in forage beyond the previously allocated total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced committee of livestock and wildlife representatives that is appointed and constituted by the governor for that purpose.

(D) Wayne County opposes grazing buyouts, and any other scheme to retire grazing AUMs and keep them from proper public use by qualified grazers. When grazing AUM's are given up by a public lands livestock grazer, those AUMs need to go back on the market for other qualified grazers to acquire and utilize.

(E) The maps at Appendix 7-1 through 7-15 show the grazing districts and allotments on all public lands in Wayne County. Wayne County's plan, policy and target for active AUMs in each of these allotments, is to restore active AUMs to the original permitted AUMs for each allotment and pasture when these were first established under the Taylor Grazing Act. All rangeland management practices and vegetation treatment practices and livestock management practices should be geared toward this goal of restoring active AUMs to original permitted levels.

8. Relinquishment and other Cutbacks of Livestock AUMs

(A) Wayne County opposes the relinquishment, retirement, phasing out, or other elimination or reduction of AUMs in favor of conservation, wildlife, and other uses.

(B) Reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions. Any grazing animal unit months that are placed in a suspended use category should be returned to active use as soon as range conditions improve;

9. Transportation

(A) Transportation and access routes to and across federal lands, including all rights-of-way vested under R.S. 2477, are vital to Wayne County's transportation, economy and quality of life, and must provide, at a minimum, a network of roads throughout the County that provides for:

(i) movement of people, goods, and services across public lands;

(ii) reasonable access to a broad range of resources and opportunities throughout the County, including livestock operations and improvements, water rights maintenance and development, solid, fluid, and gaseous mineral operations, recreational opportunities and

operations, including motorized and non-motorized recreation, search and rescue needs, public safety needs, and access for transportation of wood products to market;

(iii) access to federal lands for people with disabilities and the elderly; and

(iv) access to state lands and school and institutional trust lands to accomplish the purposes of those lands.

(B) Wayne County's transportation plan showing all RS 2477 Class B and D roads is attached as Appendices 9-1 through 9-9. A mileage table for Wayne County B and D roads is attached as Appendix 9-10.

(C) Wayne County will continue to use reasonable administrative and legal measures to protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477. Wayne County will continue to use reasonable administrative and legal measures to protect and preserve valid existing rights-of-ways granted by Congress under R.S. 2477. Wayne County will initiate negotiations with the BLM to acquire R.S. 2477 rights-of-ways on Class B and D roads shown in appendices 9-1 through 9-10. If negotiations are unsuccessful, Wayne County will initiate appropriate legal measures.

10. Areas of Critical Environmental Concern

(A) No public land area qualifies for designation as an ACEC unless

(i) It meets the strict ACEC definitional requirements found in 43 U.S.C. Sec. 1702(a);

(ii) It is limited in size and scope to the minimum necessary to specifically protect and prevent irreparable damage to the relevant and important values identified, or limited in geographic size and management prescriptions to the minimum required to specifically protect human life or safety from natural hazards;

(iii) It is limited to areas that are already developed or used or to areas where no development is required;

(iv) It contains relevant and important historic, cultural or scenic values, fish or wildlife resources, or natural processes which are unique or substantially significant on a regional basis, or contain natural hazards which significantly threaten human life or safety;

(v) It is clearly demonstrated that the proposed ACEC designation will not be applied redundantly over existing protections provided by other state and federal laws for federal lands or resources on federal lands;

(vi) 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;
and

(vii) It is clearly demonstrated that the proposed designation is not a substitute for a wilderness suitability recommendation, not a substitute for managing non WSAs for wilderness characteristics, and not an excuse or justification to apply de facto wilderness management standards.

11. Sage Grouse, Utah Prairie Dogs and Other Special Status Species

Wayne County's policy and plan regarding the Utah Prairie Dog is that it is no longer endangered or threatened and should be de-listed.

Wayne County's policy and plan regarding the Sage Grouse is to continue to work with and support Utah Division of Wildlife Resources in the management of this species.

12. Forest Lands

(A) The failure of the U.S. Forest service to actively manage the forests in Wayne County is creating an environmental problem on the forests in Wayne County. The failure to actively thin the forests and clear out the understory has produced a hazard for catastrophic fire which threatens Wayne County's watershed, its livestock industry and the safety of its towns and private agricultural lands, not to mention the safety of the public who work and recreate on and around these forested lands..

(B) The failure of the U.S. Forest service to actively thin the forests and clear out the understory has also produced the treat of a widespread bark beetle epidemic, destructive of crucial wildlife habitat and livestock forage.

(C) Logging and other forest product industries would be a win-win for Wayne County, by improving forest health and fire resiliency and by providing much needed jobs and commerce in Wayne County.

(D) The maps attached as Appendices 6-1 through 6-3 show those lands which Wayne County has designated for logging, forest thinning, removal of forest understory, and other active alpine treatments to restore and preserve forest health and fire resiliency.

13. Forest Service “Roadless” Management

(A) The Forest Service’s Second Roadless Area Review Evaluation (RARE II), completed in 1979, is the proper template and limitation on roadless area designation and management in Wayne County. No forest service roadless or unroaded evaluations or inventories are or will be recognized or upheld by Wayne County beyond those that were recognized or upheld in the forest service's RARE II evaluation

(B) Wayne County opposes the de-classification of existing roads by the Forest Service unless multiple side by side roads exist running to the same destination and Wayne County expressly consents to close or declassify the extra road.

(C) The roads shown as open in the recent Dixie National Forest Travel Management Plan and Fishlake Forest Travel Management Plan should remain open. Wayne County reserves the right to amend this Natural Resources Plan to show additional roads on the National Forests that should remain open or be opened, above and beyond those showing as open on the current Forest Travel Management Plans.

(D) Wayne County’s plan for the forested lands in its boundaries does not allow for the exclusion or diminishment of traditional multiple-use activities, including grazing and proper forest harvesting, and the enjoyment and use of valid, existing rights, including water rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral leasing rights.

(E) Wayne County’s plan calls for the development of additional forested roads as reasonably necessary to pursue traditional multiple-use activities such as logging and other healthy forest management.

14. Forest Service Land Management Plan Revisions and the “Wilderness Option”

(A) Congress in the 1984 Utah Wilderness Act barred the administrative creation of additional wilderness in Utah. Wayne County supports the 1984 Wilderness Act and incorporates it into this plan. A copy of the 1984 Utah Wilderness Act is attached as Appendix 14-1.

(B) The Forest Service as part of the forest plan revision process may examine “the wilderness option” and make recommendations to Congress to designate additional Forest Service lands for inclusion as wilderness. Wayne County does not support any such recommendation, now or in the future, because any such inclusion;

(i) Would threaten and impair current and additional roads and transportation systems in Wayne County, necessary for the full use of the various multiple-uses, including recreation, mineral exploration and development, active forest health management, and grazing operations.

15. Mineral and Energy Development. The development of solid, fluid, and gaseous mineral resources on public lands is an important potential source of economic activity in Wayne County.

(A) It is Wayne County’s policy that:

(i) mineral and energy production and environmental protection are not mutually exclusive;

(ii) It is technically feasible to permit appropriate access to mineral and energy resources while preserving nonmineral and nonenergy resources;

(iii) The development of the solid, fluid, and gaseous mineral resources of the state and the renewable resources of the state should be encouraged;

(iv) The waste of fluid and gaseous minerals within developed areas should be prohibited; and

(v) Requirements to mitigate or reclaim mineral development projects should be based on credible evidence of significant impacts to natural or cultural resources.

(B) The lands with coal and tar sands, uranium and vanadium resources in Wayne County which should be prioritized for immediate exploration and development, as shown on Appendix 15-1 (map of Henry Mountains Coal Field and Tar Sands Triangle) and Appendix 15-2 (map of areas Wayne county rich in uranium and vanadium resources). Reasonable steps should be taken to develop this energy potential.

(C) Any lands that are too sensitive to allow surface occupancy for drilling and mining activities should still be open to exploration and development utilizing directional drilling technology.

(D) Wayne County supports a coal gasification plant that SITLA has plans for in Wayne County.

(E) It is Wayne County's policy that renewable energy resources are an important potential source of economic activity in Wayne County and that development of this resource is a high priority.

(i) Wayne County's goal for renewable energy is to develop commercial, residential, farm and small scale wind, solar, geothermal and hydro projects.

(ii) Objectives are to:

1. Identify potential sites for commercial scale wind, geothermal and solar development.

2. Identify potential sites for residential, farm and small scale wind, solar, geothermal and hydro projects.

3. Work with applicable State and Federal agencies to secure grants and other incentives for companies and individuals interested in developing renewable energy.

4. Provide information to Wayne County residents to inform them about grants, tax incentives and loans that may be available for renewable energy and energy conservation projects.

5. Provide information about companies that supply and install wind turbines and solar panels.

6. Identify agencies, institutions and companies that provide technical assistance for residential, farm and small scale projects.

16. Visual Resource Management. Only WSAs and legitimate ACECs should use Visual Resource Management Class I or II classifications. All other public lands should be managed under Class III or IV or equivalent standards.

17. Wilderness Study Areas. (A) Appendix 17-1 is a map of the 7 BLM wilderness Study Areas that are wholly or partially located in Wayne County. Wayne County's plan for each of these areas is as follows:

- Fremont Gorge WSA. 2,843 acres. The 1976-1991 BLM Utah Wilderness Review conducted pursuant to Section 603 of FLPMA, recommended to Congress that zero acres in the Fremont Gorge WSA be designated as wilderness. See Appendix 17-2. Wayne County agrees. Zero acres of the Fremont Gorge WSA should be designated as

wilderness. All 2,843 acres of the Fremont Gorge WSA should be released by Congress from WSA status and go back into multiple use – sustained yield FLPMA management.

- Mount Ellen-Blue Hills WSA. Total acres: 81,363 acres, most of which is situated in Wayne County with a small fraction thereof situated in Garfield County. The 1976-1991 BLM Utah Wilderness Review conducted pursuant to Section 603 of FLPMA, recommended to Congress that 65,804 acres in the Mount Ellen-Blue Hills WSA be designated as Wilderness and 15,550 acres be returned to multiple use - sustained yield management under FLPMA. See Appendix 17-3. Wayne County's plan for this area is that all 81,363 acres should be released and returned to multiple use – sustained yield management, because virtually all of this WSA is situated in the Henry Mountains Coal Field. Designating this area as wilderness would permanently bar development of the coal resources in the Henry Mountains Coal Field. Zero acres of the Mount Ellen-Blue Hills WSA should be designated as wilderness. Congress should release all 81,363 acres from WSA status and return the entire WSA back to multiple use – sustained yield FLPMA management.
- Bull Mountain WSA. Total acres in Garfield and Wayne Counties: 13,138 acres. Part or all of 7 sections, located in Township 30 S Range 11 E, are in Wayne County. The 1976-1991 BLM Utah Wilderness Review conducted pursuant to Section 603 of FLPMA, recommended to Congress that 11,800 acres in the Bull Mountain WSA be designated as Wilderness (this includes all of the Wayne County portion) and 1,338 acres (all in Garfield County) be returned to multiple use – sustained yield management under FLPMA. See Appendix 17-4. Wayne County agrees as far as the Wayne County portion of the Bull Mountain WSA is concerned. All of the Wayne County portion of the Bull Mountain WSA acreage in part or all of the seven sections in Wayne County in Township 30 S. Range 11 E. should be designated by Congress as wilderness, as depicted in Appendix 17-4.
- Dirty Devil WSA. 71,883 acres. The 1976-199 BLM Utah Wilderness Review conducted pursuant to Section 603 of FLPMA, recommended to Congress that all acres in the Dirty Devil WSA be designated as wilderness. See Appendix 17-5. Wayne County agrees. All 71,883 acres of the Dirty Devil WSA should be designated by Congress as wilderness.
- Horseshoe Canyon North WSA. Total acres in Emery County and Wayne County: 13,502 acres. A little over 3 sections of the WSA, located in Township 27 S Range 16 E, are in Wayne County. The 1976-1991 BLM Utah Wilderness Review conducted pursuant to Section 603 of FLPMA, recommended to Congress that all acres in the Horseshoe Canyon North WSA, including the little over 3 sections of that WSA situated in Wayne County, be designated as wilderness. See Appendix 17-6. Wayne County agrees as far as the Wayne County portion of the WSA is concerned. The little more than

3 sections of the Horseshoe Canyon North WSA that are situated in Wayne County should be designated by Congress as wilderness.

- Horseshoe Canyon South WSA. 39,842 acres. The 1976-1991 BLM Utah Wilderness Review conducted pursuant to Section 603 of FLPMA, recommended to Congress that 36,000 acres in the Horseshoe Canyon South WSA be designated as wilderness, and that the remaining 3,842 acres be released from WSA status back into standard multiple use – sustained yield management under FLPMA. See Appendix 17-7. Wayne County agrees. 36,000 acres of the Horseshoe Canyon South WSA should be designated by Congress as wilderness, and the remaining 3,842 acres of this WSA should be released from WSA status and put back into multiple use – sustained yield management under FLPMA, as depicted in Appendix 17-7.

- French Spring – Happy Canyon WSA. 24,306 acres. The 1976-1991 BLM Utah Wilderness Review conducted pursuant to Section 603 of FLPMA, recommended to Congress that 11,000 acres in the French Spring – Happy Canyon WSA should be designated as wilderness and the remaining 13,206 acres be released from WSA status back into standard multiple use – sustained yield management under FLPMA. See Appendix 17-8. Wayne County disagrees, because most of this WSA sits in an area known for its tar sands energy resources. Zero acres of the French Spring – Happy Canyon WSA should be designated by Congress as wilderness. Congress should release all 24,306 acres from WSA status and return it to standard multiple use – sustained yield management under FLPMA.

Summary of Wayne County’s plan for Current BLM Wilderness Study Areas:

<u>WSA</u>	<u>TOTAL ACRES</u>	<u>TOTAL ACRES TO BE DESIGNATED AS WILDERNESS</u>	<u>TOTAL ACRES TO BE RELEASED BACK TO MULTIPLE USE</u>
Fremont Gorge	2,843	0	2,843
Mt Ellen – Blue Hills	81,363 (mostly in Wayne County)	0	81,363 (Henry Mtns Coal Field)
Bull Mountain	13,138 (part or all of seven Sections in Wayne County)	All of Wayne County portion.	None of Wayne County portion

January 26, 2011 Draft With Changes Recommended by Planning & Zoning Commission

Dirty Devil	71,383	71,383	0
Horseshoe Canyon North	13,502 (part or all of 3 sections in Wayne County)	All of Wayne County portion.	None of Wayne County portion.
Horseshoe Canyon South	39,842	36,000	3,842
French Spring Happy Canyon	24,306	0	24,306 (tar sands development potential)

(B) Wayne County supports enactment by Congress of a comprehensive Wayne County Wilderness and Lands Act. Purpose of the Act would be to:

- (i) Designate Bull Mountain, Dirty Devil, Horseshoe Canyon North and Horseshoe Canyon South WSA's as wilderness.
- (ii) Direct that all other BLM WSA's, roadless areas and "wildlands" in Wayne County. Be managed for a full range of resource activities.
- (iii) Direct that all roadless areas on National Forests in Wayne County be managed for a full range of resource activities.
- (iv) Transfer to incorporated towns in Wayne County contiguous BLM lands that are needed for future expansion and development.
- (v) Transfer to Wayne County ownership of not more than 5,000 acres of BLM lands identified to have potential for commercial development of solar, wind or hydro power.
- (vi) Transfer to Wayne County Water Conservancy District BLM lands impacted by the Caineville Wash Dam and Reservoir shown on Appendix 18-1

18. Water Development

(A)

(1) Wayne County supports carrying out a project to raise the spillway 10 feet on the Mill Meadow Reservoir in order to increase water storage capacity.

(2) Wayne County supports the proposed pipeline and hydro plant on the Fremont River 2 miles below the Mill Meadow Reservoir.

(B) Wayne County supports the Caineville Wash site as a site for the next dam and reservoir on the Fremont River in Wayne County. The damsite and proposed reservoir are illustrated in Appendix 18-1. This site was studied and compared to approximately a dozen other sites in a comprehensive study and report issued in March, 2009, by the State of Utah Division of Water Resources. The Caineville Wash dam and reservoir site was one of three sites found feasible by the Division of Water Resources. A copy of the Division of Water Resources report is available on request at the Wayne County Clerk's office.

19. Airport

(A) Wayne County supports plans to expand the airport according to the 20 year airport layout plan as developed by Jones and DeMille Engineering. Appendix 19-1 shows the general vicinity of the proposed expanded airport. Appendix 19-2 shows the General Layout of the proposed expanded airport. Appendix 19-3 shows the land use plan to accommodate the proposed airport expansion.

20. Capitol Reef National Park

(A) Wayne County opposes any further expansion of Capitol Reef National Park.

(B) Wayne County opposes any more land acquisitions by or in behalf of Capitol Reef National Park.

(C) Wayne County opposes any effort by Capitol Reef National Park or National Park Service to discontinue public lands grazing in the park or reduce any AUMs on Park Service allotments. All valid and existing grazing rights, including established trail rights, should be strictly honored and upheld.

(D) Wayne County opposes changes in management by BLM to provide so-called buffers around Capitol Reef National Park. That would be an improper departure from BLM's multiple use mission on its lands.

(E) Reasonable water development projects along the Fremont River for diversions, etc., should be allowed to occur inside Capitol Reef National Park as well outside the Park, as all such projects in and out of the Park are necessary in order to maintain and improve water yield and resources for water rights holders in the Fremont River Basin.

(F) All other rights of way should be preserved and upheld, such as utility and transportation corridors, including bike paths.

21. Law Enforcement

(A) Wayne County law enforcement personnel provide many law enforcement services on BLM land without compensation from BLM like the Federal Land Policy Management Act (FLPMA) requires.

(B) Wayne County will continue to pursue the matter until the BLM agrees to honor its obligation under FLPMA and start reasonably compensating Wayne county for law enforcement services provided on BLM lands.