

Juab County Resource Management Plan:

I. Scope and Authority

Juab County consists of 2,183,681 acres of land of which the Federal Government controls 1,569,966 acres or 71.90% of the land area. Of the 1,569,966 acres 1,442,917 acres are managed by the Bureau of Land Management, the Forest Service controls 109,917 acres, and the Fish and Wildlife Department controls 17,992 acres. In accordance with law Juab County asserts planning authority over all lands and natural resources within its geographical boundaries including those lands administered by the United States to the maximum extent, provided such plans and policies of Juab 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 Juab County. Therefore, there is no constitutional basis for the Federal Government to assert exclusive jurisdiction over any federal land in Juab 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 Juab 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, Juab County has the legal green light to make its General Plan broad and comprehensive to address all land use issues on federally owned ground within Juab County. Under Utah Code § 17-27a-401(2), Juab 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 and 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 Juab 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 the Juab County General Plan:

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

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| 42 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 C.F.R. § 1501.2(d)(2) | Federal agencies to consult early in the 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. |
| 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, 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.

1. Juab 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).
2. Whenever the Governor's state planning coordinator gets involved in federal land use planning in Juab County, he is required by law to incorporate the plans, policies, programs, processes, and desired outcomes of Juab 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.

The residents of Juab County are best served by the principles of multiple use and sustained-yield management. These principles shall be applied in public land use and natural resource planning and management within Juab County. 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 Juab County,
- b) support valid existing transportation, mineral, and grazing privileges in Juab 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 Juab 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 residents of Juab 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 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 Juab County, other than Congressionally designated wilderness areas and wilderness study areas (WSAs) should be managed for so-called “wilderness characteristics.” 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.

III. Subject Lands

A. Wilderness Study Areas

This plan clarification applies to those certain areas of land in Juab County which the United States Bureau of Land Management (“BLM”) in its 1999 Wilderness Re-Inventory Study Report purported to label as follows:

1. Deep Creek located within the following in Juab County: T11S R17W, T11S R18W, T11S R19W, T12S R17W, T12S R18W, T12S R19W, T13S R18W, and T13S R19W as well as areas within Tooele County.
2. Dugway located within the following in Juab County: T11S R11W as well as areas within Tooele County.
3. Fish Springs located within the following in Juab County: T11S R14W, T11S R5W, T12S R14W, T12S R15W, T13S R14W, T13S R15W, and T14S R14W.
4. Rockwell located within the following in Juab County: T13S R5W, T13S R6W, and T 14S R5W.

This plan clarification also applies to all other areas of Federal land located in Juab County, including but not limited to sections which an organization by the name of the Utah Wilderness Coalition (“UWC”) has

purported to include in its so-called “Citizen’s Proposal for Wilderness in Utah”, for their so-called Great Basin, Central Region, according to the map thereof set forth in the UWC internet web site, address <http://www.protectwildutah.org/proposal/index.html> as it existed on January 10, 2010, the following areas in Juab County.

B. Non Wilderness Study Areas

1. Crater Bench located within the following in Juab County: T13S R8W, T13S R9W, T13S R10W, T14S R8W, T14 S R9W and T14S R10W as well as areas within Millard County.
2. Deep Creek Mtns located within the following in Juab County: T11S R17W, T11S R18W, T12S R17W, T12S R18W, T12S R19W, T13S R18W, T13S R19W and T13 S R20W as well as areas within Tooele County.
3. Disappointment Hills: located within the following in Juab County: T13S R17W, T13S R18W, T14S R17 W and T14S R18W as well as areas within Millard County.
4. Drum Mountains located within the following in Juab County: T14S R10W as well as areas within Millard County.
5. Dugway Mountains located within the following in Juab County: T11S R11W as well as areas within Tooele County.
6. Essex Canyon located within the following in Juab County: T13S R19W and T13S R20W.
7. Fish Springs Range located within the following in Juab County: T11S R14W, T11S R15W, T12S R14W, T12S R15W, T13S R14W, T13S R15W and T14S R14W.
8. Granite Mountain located within the following in Juab County: T13S R16W, T13S R17W, T14S R16W and T14S R17W as well as areas within Millard County.
9. Keg Mountains East and West located within the following in Juab County: T11S R8W, T11S R9W, T12S R8W, T12W R9W and T13S R9W.
10. Keg Mountains West located within the following in Juab County: T11S R9W, T11S R10W, T12S R9W, T12S R10W, T13S R9W and T13S R10W.
11. Kern Mountains located within the following in Juab County: T13S R19W, R13S R20W, R14S R19W and T14S R20W as well as areas within Millard County.
12. Lion Peak located within the following in Juab County: T11S R7W and T11S R8W.
13. Middle Mountains located within the following in Juab County: T13S R15W, T13S R16W, T14S R15W and R14S R15W as well as areas within Millard County.
14. Rockwell/Little Sahara located within the following in Juab County: T12S R5W, T13S R5W and T13S R6W.
15. Swasey Mountain located within the following in Juab County: T14S R13W and T14S R14W.
16. Thomas Range located within the following in Juab County: T11S R10W, T11S R11 W, T11S R12W, R12S R10W, T12S R11W, T12S R12W, T13S R11W and T13S R12W.
17. Tule Valley located within the following in Juab County: T14S R14W and T14S R15W as well as areas within Millard County.
18. Wild Horse Pass located within the following in Juab County: T14S R18W and T14S R19W as well as areas within Millard County.

For purposes of this plan clarification, all of the above-described Non Wilderness Study Area lands are collectively referred to herein as the Non-WSA Proposed Wilderness Regions, or “Regions”, and are illustrated more fully in the map attached hereto.¹ Any reference hereafter to the term “Non-WSA Proposed Wilderness Regions” or “Regions” shall refer to any and all of the above-described land areas. This plan clarification also applies generally to all other BLM administered lands within Juab County.

*See Attachment A

DISCLAIMER

These Non-WSA Proposed Wilderness Regions have always been managed for multiple use. They have never been managed as de facto wilderness nor managed for any alleged wilderness characteristics nor for so-called Wild Lands. The House Range Resource Management Plan, which covers all BLM administered lands within Juab County, (House Range RMP) has never treated these Non-WSA Proposed Wilderness Regions as anything other than regular multiple use areas, and nowhere in the current House Range RMP is there any mention or recognition whatsoever of any proposal that these areas be treated as wilderness or managed for alleged wilderness characteristics, much less that they possess any wilderness values.

PUBLIC LAW 106–65 SEC. 2815. Titled, “STUDY AND REPORT ON IMPACTS TO MILITARY READINESS OF PROPOSED LAND MANAGEMENT CHANGES ON PUBLIC LANDS IN UTAH”, directs the Secretary of Defense, in cooperation with the Secretary of the Air Force and the Secretary of the Army to conduct a study to evaluate the impact upon military training, testing, and operational readiness of any proposed changes in land designation or management of the Utah national defense lands. It further states that until the Secretary of Defense submits to Congress a report containing the results of the study, the Secretary of the Interior may not proceed with the amendment of any individual resource management plan for Utah national defense lands, or any statewide environmental impact statement or statewide resource management plan amendment package for such lands, if the statewide environmental impact statement or statewide resource management plan amendment addresses wilderness characteristics or wilderness management issues affecting such lands.

Because part of the Fillmore Planning Area is within the fly space relevant to the Utah Test and Training Range (UTTR), this Congressional moratorium bars any revision to the “House Range Area Resource Management Plan and Record of Decision” (which covers all BLM administered lands within Juab County) within the foreseeable future. Thus, it is impossible for the BLM to justify de facto wilderness management of the Non-WSA Proposed Wilderness Regions under the guise of an RMP amendment.

Therefore, the fact that Juab County is clarifying its general plan to re-affirm its long-standing pro-multiple use and anti-wilderness policy and position with respect to any of these Non-WSA

¹ There are three congressionally designated Wilderness Study Areas (“WSAs”) within the borders of Juab County: Deep Creek Mountains WSA, Fish Springs WSA, and Rockwell WSA. The fact that this planning document addresses only areas outside those WSAs does not imply that Juab County concedes that those WSA’s are suitable for wilderness designation. To the contrary Juab County has established its own proposed Wilderness Proposal which calls for only specific areas with two of the three WSAs.

Proposed Wilderness Regions, does not imply that Juab County recognizes any validity, seriousness or merit to any of the pro-wilderness proposals made by private groups for any of the subject areas; nor does Juab County concede or imply in any way that any of these regions possess any wilderness quality lands or resources.

Accordingly, this plan clarification is a cautionary action by Juab County to guard against any attempt by the BLM to use the illegal December 23, 2010 Order 3310 of the Secretary of the Interior to assert de-facto wilderness management over Non-WSA Proposed Wilderness Regions or any other BLM administered lands with Juab County. Juab County expects full compliance by the BLM with the consistency requirements of FLPMA and that the BLM honor these policies of Juab County when considering how to manage BLM administered lands.

IV. Recognition of other Counties Plans and Authority

Juab County acknowledges that many of the features identified within the subject lands cross county boundaries into both Millard and Tooele Counties. Juab County further recognizes that these counties have planning authority over lands and natural resources within their geographical boundaries. Therefore, Juab County recognizes Millard and Tooele Counties adopted planning documents regarding these features. The County affirms that county residents will be best served when plans and management strategies for these areas are coordinated between the jurisdictions, affected entities and public land and resource management agencies.

V. Utah Test and Training Range

The Utah Test and Training Range (UTTR) is a military testing and training area located in Utah's West Desert and is currently the largest overland contiguous block of supersonic authorized restricted airspace in the continental United States. The range has a footprint of 2,675 square miles of ground space and over 19,000 square miles of air space and covers much of the western portions of Box Elder, Tooele, Juab, Millard and Beaver counties.

The Mission Statement for the UTTR is to “Provide war fighters with a realistic training environment and conduct operational test and evaluation including tactical development and evaluation supporting large footprint weapon systems to enhance combat readiness, superiority, and sustainability.”

The general mission is to provide responsive open-air training and test services that support day-to-day training, large force training exercises, and large footprint weapons testing, thus guaranteeing superiority for American's war fighters and their weapons systems. It provides key functions and capabilities required for range support of Air Force operational test and training programs. This includes range infrastructure systems, equipment, software, targets, facilities, data processing and display, land and airspace, security, and safety.

UTTR not only provides strategic training opportunities for the United States but for most of the free world. It is also an integral part of Hill Air Force Base which is a huge economic engine within the state of Utah.

Therefore, in the interests of national security and the economic well-being of Juab County and the State of Utah, management of lands affecting the UTTR should absolutely guarantee the following.

1. Insure that the provisions of Public Law 106–65 SEC. 2815 are met before changing plans for use of lands that would affect the UTTR.
2. Absolutely protect the irreplaceable opportunities for training and testing the UTTR provides.
 - Maintain the current level of opportunity to provide the required training necessary to provide for the continued readiness of the United States Military.
 - Maintain the current level of opportunity to provide the required training necessary to military partners of the United States.
 - Ensure that land management decisions carefully consider potential negative impacts or impairments to the UTTR.
3. Protect economic benefit that the UTTR provides to all of the citizens of Utah.
 - Consider the climate and culture of the residents including economic considerations.

IV. Clarification of Ongoing Plan

1. Achieve and Maintain a Continuing Yield of Energy and Mineral Resources In the Regions At The Highest Levels.

The U.S.G.S. has completed mineral resource studies for several of the areas in the Non-WSA Proposed Wilderness Regions which show significant mineral resource potential. Further private exploration has found significant deposits on many of these lands therefore it is extremely important that access to these resources be preserved.

- Development of all mineral resources in the Regions is an important part of the economy of Juab County and very important to the United States.
- It is possible to access mineral and energy resources while preserving or, as necessary, restoring non-mineral and non-energy resources.
- All available mineral resources in the Regions should be seriously considered for their contribution or potential contribution to the Juab County economy.
- Lands shown to have reasonable mineral potential in the Regions should be open to oil and gas leasing with reasonable stipulations and conditions that will protect the lands against unreasonable and irreparable damage to other significant resource values. This should include reasonable and effective mitigation and reclamation measures, and bonding for such, where necessary.

- The waste of fluid and gaseous minerals within developed areas, except for those necessary for production, such as flaring, should be prohibited.
 - Any prior existing lease restrictions in the Regions that are no longer necessary or effective should be removed.
 - Restrictions against surface occupancy should be modified or, removed where it is shown that directional drilling is not ecologically necessary, not feasible from an economic or engineering standpoint, or where it is shown that directional drilling will, in effect, sterilize the mineral and energy resources beneath the area.
 - Applications for permission to drill that meet standard qualifications, including reasonable and effective mitigation and reclamation requirements, should be expeditiously processed and granted.
 - Any moratorium that may exist against the issuance of additional mining patents and oil and gas leases in the Regions should be removed.
2. Achieve and Maintain Livestock Grazing In the Regions At The Highest Reasonably Sustainable Levels
- Domestic livestock forage in the Regions, expressed in animal unit months, for permitted active use, as well as the wildlife forage included in that amount, should be no less than the maximum number of animal unit months sustainable by range conditions in grazing districts and allotments in the Regions, based on an on-the-ground and scientific analysis.
 - Where once-available grazing forage in the Non-WSA Proposed Wilderness Regions has succeeded to pinion, juniper and other woody vegetation and associated biomass, or where rangeland health in the Regions has suffered for any other reason, a vigorous program of mechanical treatments such as chaining, logging, seeding, lopping, thinning and burning and other mechanical treatments should be applied to remove this woody vegetation and biomass and stimulate the return of the grazing forage to its historic levels for the mutual benefit of livestock, wildlife and other agricultural industries in the Regions.
 - Juab County regards the land which comprises the grazing districts and allotments in the Regions as still more valuable for grazing than for any other use which might exclude livestock grazing. Such other uses include but are not limited to conversion of AUM's to wildlife or wilderness uses. Accordingly, it is Juab County's plan that animal unit months in the Regions not be relinquished or retired in favor of conservation, wildlife or other uses.
 - Juab County recognizes that from time to time a bona fide livestock permittee in the Regions, acting in good faith and not to circumvent the intent of the BLM's grazing regulations, may temporarily cease grazing operations without losing his or her permitted AUM's. However, BLM-imposed suspensions of use or other reductions in

domestic livestock animal unit months in the Regions should be temporary and scientifically based on rangeland conditions.

- The transfer of grazing animal unit months (“AUMs”) to wildlife for supposed reasons of rangeland health is opposed by Juab County as illogical. There is already imputed in each AUM a reasonable amount of forage for the wildlife component.
 - Any grazing animal unit months that may have been reduced in the Regions due to rangeland health concerns should be restored to livestock when rangeland conditions improve. They should not be converted to wildlife use.
3. Manage the Watershed in The Wilderness Regions To Achieve and Maintain Water Resources At The Highest Reasonably Sustainable Levels.
- All water resources that derive in the Non-WSA Proposed Wilderness Regions are the property of the State of Utah. They are owned exclusively by the State in trust for its citizens.
 - As a political subdivision of the State, Juab County has a legitimate interest in seeing that all reasonable steps are taken to preserve, maintain and, where reasonable, as determined by Juab County, develop those water resources.
 - With increased demands on water resources brought on by population increases in the Colorado River and Great Basin drainage areas, and with recent drier precipitation trends which call into question, in the minds of some, whether the climate of the Colorado River and Great Basin drainage areas is changing, it is more important now than ever that management practices be employed in the Regions to restore, maintain and maximize water resources there. Where water resources in the Regions have diminished because once-existing grasses have succeeded to pinion, juniper and other woody vegetation and associated biomass, a vigorous program of mechanical treatments should be applied to promptly remove this woody vegetation and biomass, stimulate the return of the grasses to historic levels, and thereby provide a watershed that maximizes water yield and water quality for livestock, wildlife, and human uses.
 - Juab County’s plan for protecting the Regions watershed is to deter unauthorized cross-country OHV use. The best way to achieve this is to give OHV users a reasonable system of roads and trails on which to legitimately operate their OHVs. Closing the Non-WSA Proposed Wilderness Regions to all OHV use will only spur increased unauthorized cross-country OHV use to the detriment of the watershed.
 - Accordingly, all roads and trails in the Regions which historically have been open to OHV use, as identified on the County Road Map, should remain open.
4. Achieve and Maintain Traditional Access To Outdoor Recreational Opportunities Available in the Regions.
- Traditionally, residents of Juab County and visitors have enjoyed many forms of

outdoor recreation in the Regions, such as hunting, fishing, rock hounding, hiking, family and group parties, family and group campouts and campfires, OHV travel, geological exploring, pioneering, parking their RV, or just plain touring in their personal vehicles. Such activities are important to the character of Juab County.

- Public land outdoor recreational access in the Regions should not discriminate in favor of one particular mode of recreation to the exclusion of others. Traditionally, outdoor recreational opportunities have been open and accessible to working class families, to families with small children, to the sick and persons with disabilities, to the middle aged and elderly, to persons of different cultures for whom a “primitive solitary hike” may not be the preferred, or possible, form of recreating. All of society should not be forced to participate in a “solitude experience” or a “primitive experience” as the one and only, or primary, mode of outdoor recreation in the Regions. Any segment of society, for that matter, that wants to recreate in the Regions, should have motorized access to that recreation if they desire it, as well as all other traditional forms of outdoor recreation they so desire, if such historical uses existed in the past. They should not have to hike into the outdoor recreational destinations in the Non-WSA Proposed Wilderness Regions if they do not want to or are unable or cannot afford such an activity.
 - Hence Juab County’s plan calls for continued historical public motorized or mechanized access to all traditional outdoor recreational destinations in all areas of the Non-WSA Proposed Wilderness Regions for all such segments of the public. Juab County specifically opposes restricting outdoor recreation in the Regions to just one form available for those who have enough time, money and athletic ability to hike into the destinations of the Regions for a so-called “solitude wilderness experience”, or the like.
 - Accordingly, all roads in the Regions that are part of Juab County’s duly adopted transportation plan shall remain open to motorized travel. None of them should be closed other than by action of Juab County and the State of Utah. Juab County should have the continued ability to maintain and repair those roads, and where necessary, make improvements thereon. All trails in the Regions that have been open to OHV use shall continue to remain open. Traditional levels of hunting and fishing should continue, consistent with sustainability of the resource at verified historical levels. Traditional levels of group camping, group day use and all other traditional forms of outdoor recreation, motorized and non-motorized, should be allowed to continue.
5. Maintain and Keep Open All Roads in the Regions That Appear on Juab County’s Transportation Map, and Provide For Such Additional Roads and Trails As May Be Necessary From Time to Time.

Juab County’s transportation plan includes an official county-wide transportation map. The map is available to the public for viewing and copying, showing all public roads and trails within the County.

- That portion of Juab County’s official transportation map which shows all public

roads and trails in the Regions is considered to be part of Juab County's land use plan. This map is attached to and made part of this plan by this reference.

- Juab County plans to keep all such roads in the Regions open. Juab County will consult with the BLM about any required improvements to such roads, reserving the right to seek court intervention and relief in the event Juab County and BLM cannot reach an agreement on such proposed improvements after reasonable efforts at consultation.
 - Furthermore, additional roads and trails may be needed in the Regions from time to time to facilitate reasonable access to a broad range of resources and opportunities including livestock operations and improvements, mineral operations, recreational opportunities and operations, search and rescue needs, other public safety needs, access to public lands for people with disabilities and the elderly, and access to Utah School and Institutional Trust Lands.
6. Manage the Regions So As to Protect Prehistoric Rock Art, Three Dimensional Structures and Other Artifacts and Sites Recognized as Culturally Important and Significant By the State Historic Preservation Officer.
- Reasonable mineral development in the Non-WSA Proposed Wilderness Regions can occur while at the same time protecting prehistoric rock art, three dimensional structures and other artifacts, and sites recognized as culturally important and significant by the state historic preservation officer.
 - Reasonable and effective stipulations and conditions to protect against damage to the above-described cultural resources should accompany decisions to issue mineral leases, permit drilling or permit seismic activities in the Non-WSA Proposed Wilderness Regions. Such drilling and seismic activities should not be disallowed merely because they are in the immediate vicinity of the above-described cultural resources if it is shown that such activities will not irreparably damage those resources.
7. Manage the Regions So As to Not Interfere With The Property Rights of Private Landowners.
- There are parcels of private fee land, including School and Institutional Trust Land, located in the Regions.
 - Land management policies and standards on BLM land in the Regions should not interfere with the property rights of private landowners in the Non-WSA Proposed Wilderness Regions to enjoy and engage in traditional uses and activities on their private property, consistent with applicable County and land use ordinances.
 - Nor should those landowners and their guests or clients be denied the right of motorized access to their private property.

8. Manage the Regions So As to Not Interfere With The Fiduciary Responsibility of the State School and Institutional Trust Lands Administration (“SITLA”).
 - Scattered throughout the Regions are sections of school and institutional trust land owned by the State of Utah and administered by SITLA in trust for the benefit of public schools and other institutions (“school trust lands”), as mandated in Utah’s Enabling Act and State Constitution.
 - As trustee, SITLA has a fiduciary responsibility to manage those school trust lands to generate maximum revenue there from, by making them available for sale and private development, and for other multiple and consumptive use activities such as mineral development, grazing, recreation, timber, agriculture and the like, all for the financial benefit of Utah’s public schools and other institutional beneficiaries.
 - Land management policies and standards on BLM land in the Regions should not interfere with SITLA’s ability to carry out its fiduciary responsibilities.
 - Nor should SITLA be denied the right of motorized access to those school trust sections to enable SITLA to put those sections to use in order to carry out its fiduciary responsibilities.
9. Managing Part or the entire Regions for “wilderness” characteristics would violate FLPMA, Contradict The State’s Public Land Policy and Contradict The Foregoing Plans of Juab County.
 - As Utah Code § 63-38d-401(6)(b) indicates, managing the Regions under a “wilderness characteristics” management standard is not the State of Utah’s policy nor is it Juab County’s policy for multiple use-sustained yield management on public lands that are not wilderness or wilderness study areas. A so-called “wilderness characteristics” management standard for the Regions is de facto wilderness management, just called by another name. It is incompatible with and would therefore frustrate and defeat the foregoing plans of Juab County for managing the Regions. Juab County has formally taken a position that only 6,7208 acres of BLM land in Juab County should be designated as wilderness. Those acres are situated within current WSAs, not within the Non-WSA Proposed Wilderness Regions.
 - A “wilderness characteristics” management standard for the Regions also violates FLPMA and the 2003 Settlement Agreement between Utah and Department of Interior;
 - Managing Post-603 Lands² pursuant to the Interim Management Policy of 1979 (“IMP”) is inconsistent with BLM authority. Agreement p. 6 & 13.a;
 - Managing Post-603 Lands to preserve their alleged wilderness character strays from the multiple use mandate in a manner inconsistent with FLPMA § Section 603 limited

² As that term is defined in the *Utah v. Norton* settlement agreement of April 11, 2003.

delegation of authority. Agreement p. 9 & 17;

- The 1999 Utah Wilderness Re-Inventry shall not be used to manage public lands “as if” they are or may become WSAs. Agreement p. 13 & 4;
- DOI/BLM will not establish, manage “or otherwise treat” Post-603 Lands as WSAs or as wilderness pursuant to the Section 202 process absent congressional authorization. Agreement p. 14 & 7.

10. Imposing Any of The Area of Critical Environmental Concern (“ACEC”) Designation Alternatives in Juab County Would Contradict Juab County’s Plan For Managing the Regions.

- It is Juab County’s policy that no part of the Regions should be designated an (“ACEC”) unless it is clearly demonstrated that the proposed ACEC satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1702(a).
- The proposed ACEC is limited in geographic size and that the proposed management prescriptions are limited in scope to the minimum necessary to specifically protect and prevent irreparable damage to values that are objectively shown to be relevant and important, or to protect human life or safety from natural hazards.
- The proposed ACEC is limited only to areas that are already developed or used, or to areas where no development is required.
- The proposed ACEC designation and protection is necessary to protect not just a temporary change in ground conditions or visual resources that can be reclaimed or reversed eventually, (like reclaiming a natural gas well site after pumping operations are complete). Rather, the damage must be shown in all respects to be truly irreparable and justified on short term and long term horizons.
- The proposed ACEC designation and protection will not be applied redundantly over existing protections available under FLPMA directed multiple use sustained yield management.
- The proposed ACEC designation is not a substitute for a wilderness suitability determination, nor is it offered as a means to manage a non WSA for so-called “wilderness characteristics”.
- The foregoing summarizes the ACEC criteria of the State of Utah as well as Juab County. See Utah Code § 63-38d-401(8) (c). And the foregoing summarizes the criteria of FLPMA.

11. A Visual Resource Management Class I or II Rating for Any Part of the Non-WSA Proposed Wilderness Regions Would Contradict the State’s Public Land Policy and

Contradict Juab County's Plan For Managing the Non-WSA Proposed Wilderness Regions.

- The objective of BLM Class I Visual Resource Management is not compatible with, and would therefore frustrate and interfere with Juab County's foregoing plan clarification.
- The objective of BLM Class II Visual Resource Management is generally not compatible with, and would therefore frustrate and interfere with Juab County's foregoing plan clarification. There are certain limited exceptions where a Class II objective would be compatible with Juab County's foregoing plan clarification. Such exceptions will be considered by Juab County on a case-by-case basis.
- Juab County's foregoing plan clarification is generally consistent with either Class III or Class IV, depending on the precise area.

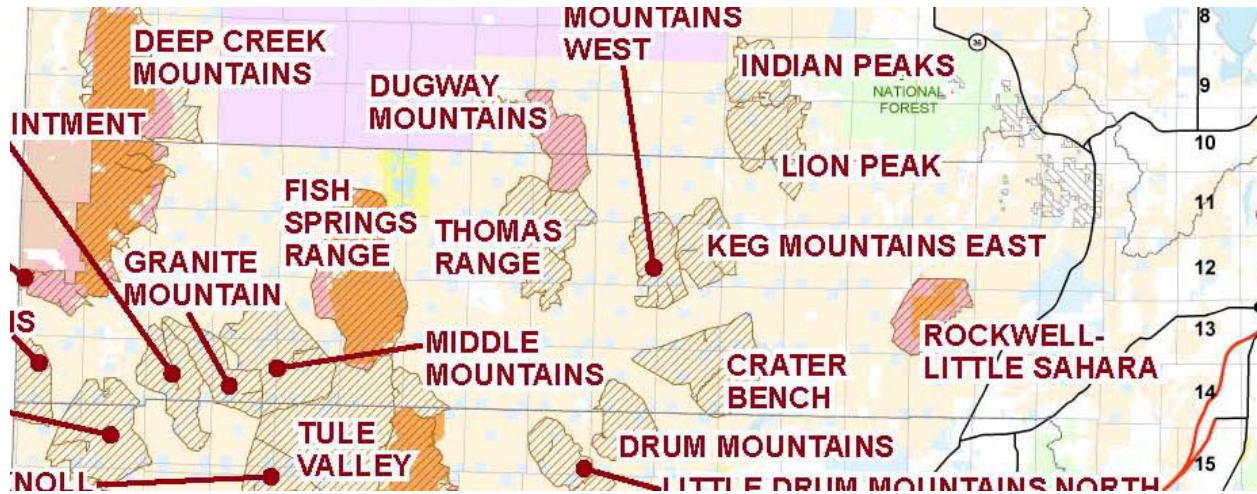
12. The Nomination and or Designation of Public and Private Lands in the Regions, Selected for Specific Uses, May have Permanent and Unintended Consequences on the Subject Lands and Surrounding Lands, and Should be reviewed by the Board of Juab County Commissioners.

- Lands within Juab County considered for any special designation and the impacts of the National Historic Preservation Act are an issue of concern for Juab County.
- Juab County's plan for balanced multiple use also incorporates the need to focus special attention and concern toward any impacts that proposed designations could have on private property use, the financial impacts to our residents, and the potential loss of historic and traditional uses and lifestyles by layering multiple designations upon the land.
- Not only are the direct effects of the special designation a matter of concern to Juab County, but the fact that federal management guidelines allow buffer zones or "special management zones" or their equivalent around the sites, which could negatively impact nearby development, is also a matter of concern to Juab County.

13. Federal Acquisition of Private Lands is Contrary to Policies and Plans of Juab County and the Juab County General Plan.

- Juab County wishes to be fully involved as an affected entity in any process to consider the disposal of public lands or the acquisition of private lands to become public within the county's jurisdiction.
- The County recognizes that some tracts of public and private land are isolated, and since the County is the subject matter expert regarding the impacts to our economy, culture and customs from the transfer of ownership of these lands that are or may be identified for sale of purchase, County participation and local public input are essential.

Attachment A



Citizens Proposal for Wilderness in Juab County

Source: <http://www.protectwildutah.org/proposal/index.html>