

Millard County General Plan Federal and State Lands Element County Goals, Objectives and Implementation Strategies

Federal and State Agency Managed Lands

Over 87% of the land within Millard County is Federal or State land managed by government agencies. Approximately 78% is managed by Federal agencies including the Bureau of Land Management, BLM, (69.18%) and the United States Forest Service, USFS, (8.27%). The remaining ten percent is managed by State of Utah divisions and departments; specifically, the School and Institutional Trust Lands Administration, SITLA, (9.18%) and the Division of Wildlife Resources, DWR, (.81%). Tribal lands within the County account for 0.02%. The above totals leave slightly more than twelve percent of the County's total land area as privately owned (12.5%).

Millard County claims the powers, rights and authority given specifically to local governments and individuals to actively participate in Federal and State land management planning and decision-making processes. In order to more adequately and accurately articulate the County's Federal and State land management priorities and objectives, the County has prepared this section as part of their General Plan.

Specific elements addressed in this section include:

- County participation in Federal and State land management planning processes,
- multiple-use,
- Federal and State land resource use and development,
- wildlife management,
- water resources,
- Federal and State lands consolidation,
- Federal and State lands recreation, and
- Federal and State lands access.

Millard County officials and relevant Federal and State land management agencies will become familiar with this section of the General Plan and work cooperatively to implement the policies and objectives as adopted.

Overview - County Position

In general, Millard County supports "multiple-use" management of Federal and State lands and will work with the appropriate agencies to maintain an appropriate balance among uses and users. Maintaining adequate public access to Federal and State lands and the accompanying resources is also a County priority.

Due to the high percentage of Federal and State land within Millard County, County interests are directly affected by Federal and State land management decisions. In order to adequately protect these interests, the County must be included in all relevant Federal and State land management planning and decision-making processes. It is also the County's position that local concerns and interests must be acknowledged and addressed by Federal and State land management agencies before decisions are made and plans implemented. Individuals and communities most likely to be affected by these decisions must also be included. The County maintains that local input should have a greater influence on Federal and State land management decisions than opinions or positions expressed by individuals or organizations living outside the area.

In order for Millard County to more fully participate in Federal and State land use planning processes, the County must be adequately notified and invited to participate. It is the responsibility of the Millard County Planner to ensure that the County Commissioners and County Planning/Building Department(s) are on the mailing lists of all relevant Federal and State land and resource management agencies. Currently, this list includes, but is not limited to, the following agencies:

- The United States Forest Service (USFS)
- The Bureau of Land Management (BLM)
- Bureau of Reclamation (BOR)
- United States Fish and Wildlife (FWS)
- Natural Resource Conservation Service (NRCS)
- State School and Institutional and Trust Lands Administration (SITLA)
- Sovereign Lands and Forestry (SLF)
- Utah Division of Wildlife Resources (DWR)
- Utah Division of Water Resources
- Utah Division of Oil, Gas, and Mining (DOG M)
- Utah Division of Parks and Recreation (DPR)

Federal and State land management, planning and decision-making processes of which the County will be notified include, but are not limited to, the following:

- resource area management plans,
- forest management plans,
- environmental assessments,
- environmental impact statements,
- grazing allotments,
- timber sales,
- land sales and leases,
- wildlife habitat plans, and
- biological surveys.

As necessary, the County will request periodic "working document" reviews and project briefings. Following these sessions, the County may prepare and submit to the appropriate agencies formal responses listing specific areas of support or concern.

Several County industries such as livestock, agriculture, mining, and tourism depend on the continued access to and availability of Federal and State lands and their accompanying resources. It is the County's position that agency decisions which alter existing Federal and State land uses must be supported by accurate and adequate data. Agency-sponsored studies must identify and address the impacts to the local economy, traditional Federal and State-land uses and the environment. This information must also include social impacts to the area and identify possible mitigation measures. Millard County will work with Federal and State land management agencies to identify and interpret relevant information.

Currently, the County maintains informal, yet effective, working relationships with Federal and State land managers in the region. These relationships have developed over several years and are due to the willingness of County officials and agency personnel to cooperate. The County will continue to work with local-level Federal and State land managers to improve these relationships and increase "citizen" awareness of Federal and State land issues.

Local Government Role in Federal and State Lands Planning

The United States Constitution has delegated and the United States Congress has bestowed considerable power and authority to local governments relevant to Federal and State land management and decision-making processes. Major laws relevant to the County include:

- The Federal Land Policy and Management Act (FLPMA)
- The National Environmental Policy Act (NEPA)
- The National Forest Management Act (NFMA)
- The Wild and Scenic Rivers Act (WSRA)

Federal Land Policy and Management Act (FLPMA)

Under FLPMA, Federal land management agencies are required to acknowledge local plans and participation. Title 43, U.S.C.A. §1712(c)(9) states:

“[The Secretary shall] to the extent consistent with the laws governing the administration of the public [Federal] lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located.... In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local and tribal land use plans; assure that consideration is given to those State, local and tribal plans that are germane to the development of land use plans for public [Federal] lands, assist in resolving to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials...in the development of land use programs, land use regulations, and land use decisions for public [Federal] lands.... Land use plans of the Secretary under this section shall be consistent with the State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.”

National Environmental Policy Act (NEPA)

The Supreme Court has described the National Environmental Policy Act (NEPA) as having two major objectives. The first purpose is to place “upon an agency the obligation to consider every significant aspect of the environmental impact of a proposed action.” The second aim is to ensure “that the agency will inform the public that it has considered environmental concerns in its decision making process.” In respect to land use planning, agency-prepared NEPA documents must identify and discuss “possible conflicts between the proposed action and the objectives of Federal, regional, State and local plans, policies and controls for the area concerned.” 40 CFR 1502.16(c). This discussion shall include “any inconsistencies between the proposed action and any approved State or local plans or laws.... Where inconsistencies exist, documents should describe the extent to which the agency will reconcile its proposed action with the plan or law.” 40 CFR 1506.2(d). The Act also directs agencies to “cooperate to the fullest extent possible” with State and local agencies to reduce duplication between NEPA and State and local requirements. This “cooperation” includes: joint planning processes, joint environmental research/studies, joint public hearings, and joint environmental assessments. 40 CFR 1506.2(b)(1-4).

National Forest Management Act (NFMA)

Principal provisions of the National Forest Management Act (NFMA) include implementing “multiple-

use and sustained yield” management practices, long-term (50 year) renewable resource programs, land and resource management plans for forest units (every 15 years) and forest management practices “in accordance with” plans. 16 U.S.C.A. §1061(d)(1)); “plans and permits, contracts and other instruments for the use and occupancy of National Forest System lands consistent with land management plans.” 16 U.S.C.A. §1604(l). In respect to local governments, Forest Service plans shall be “coordinated with the land and resource planning processes of State and local governments....” 16 U.S.C.A. §1604(a).

Wild and Scenic Rivers Act (WSRA)

Federal regulatory agencies are also obligated by the Wild and Scenic Rivers Act (WSRA) to consider historic, cultural or other similar values when completing “wild and scenic” river plans. These issues include existing rights, grazing leases and permits. Federal agencies must also formally recognize local planning efforts to protect river corridor resources and consult with local governments during wild and scenic river plan development processes.

Overview - Federal Land Management Agencies

Bureau of Land Management (BLM)

The Bureau of Land Management (BLM) manages Federal lands and resources under the Federal Land Policy and Management Act (FLPMA). Resource Management Plans (RMPs) are the primary mechanism for implementing the “multiple-use/sustainable yield” stipulation and other guidelines outlined in FLPMA. Consistent with Federal laws and regulations, RMPs establish the management direction for designated planning areas and are kept in place as long as they remain pertinent to the issues of that area. RMPs also contain the standards and criteria used to govern subsequent decisions.

FLPMA requires the BLM to coordinate its land use plans with local (County) plans and take all practical measures to resolve inconsistencies between documents. BLM plans must be consistent with local plans to the extent that the latter does not contradict Federal laws and regulations. Prior to final RMP approval, the BLM is also required to submit a list of known inconsistencies to the Governor for review and comment. The BLM is exempt from these requirements if the local government fails to notify the agency of an adopted plan and subsequent revisions.

United States Forest Service (USFS)

Unlike the BLM, the Forest Service does not have a local plan “consistency” requirement. However, Forest Service regulations do call for “coordination”. This has been interpreted to include: participating in local planning efforts, developing and evaluating Forest Management Plan alternatives in light of potential conflicts with local plans, briefing local leaders prior to selecting the preferred alternative, displaying local plan reviews as part of agency Environmental Impact Statements (EIS) and monitoring how Forest Service actions affect nearby communities.

United States Fish and Wildlife Service (FWS)

The United States Fish and Wildlife Service (FWS) is required to give a 90 day notice to local governments of any intent to list additional species or identify additional critical habitat. Proposed listings must be based on the best scientific and commercial data available. Species and habitat recovery plans must take into account county efforts to protect the identified species and assure that

the proposed recovery plans will provide conservation of the species. The FWS must also take into account economic impacts to the area before making critical habitat designations (areas may be excluded unless failure to designate would result in extinction of a species). Local governments are given the opportunity to formally comment on all listings or habitat designations.

County Participation in Federal and State Land Management Planning Processes

Objective: *Maintain active County participation in Federal and State land/resource planning processes....*

Currently, Millard County maintains informal, yet effective, working relationships with Federal and State land managers in the region. These relationships have developed over several years and are due to the willingness of County officials and agency personnel to cooperate. The Millard County Commission and County Planner actively participate in most Federal and State land management decision-making processes. As necessary, citizen committees are organized by the Commission to address major issues.

Existing County and Federal/State agency relationships are successful in addressing Federal and State land use issues on a county-agency level. County citizens also desire to become better informed and more active participants in Federal and State land planning processes. As a result, the County will implement outreach efforts designed to share additional Federal and State land use information with County residents.

Implementation Strategies:

Federal and State Land Issues Calender

To better inform County residents concerning Federal and State land management issues, the County planner will maintain a quarterly schedule and summary of relevant Federal and State land/resource planning processes and issues. This information may include agency planning summaries, anticipated process time lines and meeting dates. Schedules will be posted at the County Courthouse (Fillmore) and County Offices (Delta) and identify specific opportunities for the County, communities and the public to participate as they see fit.

At a minimum, documents and resources reviewed by the County planner will include the State Resource Development Coordinating Committee packet (bi-monthly), BLM Resource Area Management Plan and subsequent updates, the Environmental Notification Bulletin Board (ENB) and Forest Service quarterly planning schedule(s).

County-level Citizen Federal and State Lands Committee

Currently, Millard County Commissioners organize citizen committees to address significant County issues on an "as need" basis. Relative to Federal and State land use issues, the Millard County Commission will formally organize a standing county-level State and Federal lands committee. As *requested* by the Commission, this committee will act as an advisory board to the County planning staff and may be used to distribute relevant Federal and State land use information to the public.

Committee meetings will provide an opportunity to discuss natural resource/Federal and State land use issues in an open, positive manner. Where applicable and appropriate, this forum will be used to clarify issues and address Federal and State land management concerns at the local level. Through increased committee/agency interaction, County

responses to agency-proposed plans and actions will be well developed and better prepared.

Committee Structure -

Formal committee structure will include a Commission-appointed chairperson. This individual will work closely with the County planning staff to review, prioritize, and summarize for committee discussion, Federal and State land use information received or solicited by the County. The committee will also include or have access to competent legal assistance. This person will have a firm understanding of Federal and State land issues.

Millard County has residents who are interested in and directly impacted by Federal and State land use decisions. These individuals have a knowledge of Federal and State planning processes and have established working relationships with Federal and State land managers. The Commission can utilize this expertise by appointing these individuals to the Federal and State Land Use Committee.

Federal and State agency personnel can also provide this committee with planning expertise, information/data and "agency" insight to Federal and State land use issues. Agency representatives will be invited to participate in Committee discussions as deemed necessary by the County and/or Committee membership.

The Millard County Federal and State Lands Committee will include representatives from all geographical areas of the County. Membership shall include, but not be limited to, the following areas of expertise or interest:

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|--------------------------|---|
| general County populace | recreation interests |
| agriculture and ranching | economic development |
| County/local officials | water interests |
| energy interests | minerals/mining interests |
| sportsmen and wildlife | conservation interests |
| utilities | tourism/recreational business interests |
| special interest groups | USU Extension |

Agencies and interests that may be asked to participate include, but are not limited to, the following:

- U.S. Bureau of Land Management (BLM)
- U.S. Forest Service (USFS)
- Bureau of Reclamation (BOR)
- Natural Resource Conservation Service (NRCS)
- State of Utah Geological Service
- State School and Institutional and Trust Lands Administration (SITLA)
- Sovereign Lands and Forestry (SLF)
- Utah Division of Wildlife Resources (DWR)
- Utah Division of Water Resources
- universities and educational resources
- media

Committee Agenda -

While it is the intent to have issues discussed by the entire committee, smaller task groups may be formed and "outside" specialists invited as needed. This process may include assigning individual committee members to study specific materials, gather additional data, and report to the committee with preliminary recommendations. Relevant information will also be made available to the general

public for their review and comments. Recommendations from the County's Federal and State Lands Committee will be forwarded to the County Commissioners and County Planning Department for consideration as the County's official position.

The committee will refer to the Millard County General Plan and other local ordinances and policies as they discuss issues and make recommendations. It is anticipated that the County's Federal and State land use positions will be consistent with the County's Plan and resident interests.

As directed by the Commissioners, the committee may coordinate efforts with the Utah Association of Counties, the Six-County Association of Governments, the State of Utah Resource Development Coordinating Committee, Rural Development Council and other State and local Federal offices. The committee may also assist in preparing Federal and State-related grant applications and proposing revisions or additions to the County's General Plan Federal and State land use element.

County Position - Multiple-use

Maintaining multiple-use management practices on Federal and State land is a top County priority. Lands administered by the BLM and Forest Service must be managed under the principles of “multiple-use and sustained yield” as outlined in Federal policy. The County will work with these agencies in support of these objectives.

The County acknowledges that the terms “multiple-use” and “sustained yield” may be interpreted many different ways. For purposes of this Plan and the County’s future interaction with Federal and State land management agencies, the County defines “sustained yield” as the management of resources in a manner that will support a consistent level of use on a year-to-year or season-to-season basis. The County defines “multiple-use” as the consumptive and non-consumptive uses historically and traditionally allowed to occur on Federal and State lands within the County. These uses include, but are not limited to, the following: livestock grazing, mining and mineral exploration and extraction, rockhounding, recreation, wildlife habitat, telecommunications, water resource use and development, and timber/woodland products (Christmas trees, firewood, pinenuts, posts, etc).

Millard County maintains that the above uses are compatible in most situations and that true “multiple use management” creates opportunities for the land and resources to be used for “multiple purposes” simultaneously.

Millard County does not define “multiple-use” as allowing “*all* uses, in *all* areas, *all* the time”. The County encourages “responsible” use of Federal and State resources and will support and participate in exercises designed to identify appropriate uses and locations.

The County does not support land use designations, such as wilderness, that *permanently* designate an area for a particular use and restrict other viable and compatible options. As part of a State-wide effort, Millard County completed a project designed to identify and evaluate potential wilderness areas within the County. Millard County opposes the “wilderness” management concept and will support wilderness designations only as outlined in the County’s adopted 1995 Wilderness Study/Plan.

The County acknowledges that some areas, due to their location or resources, may possess unique potential for a particular use. Under these circumstances, it may be economically beneficial to the County and in the public’s best interest to identify and *temporarily* designate these areas for specific, “priority uses”. For example, the County may support temporally limiting recreation access through an area to allow mineral exploration and development. The County would pursue re-establishing “multiple uses” within these areas as doing so becomes feasible.

Millard County anticipates that conflicts among uses and users will arise. In these situations, the County will support uses consistent with maintaining the County’s rural lifestyle and character and/or uses providing a livelihood for County residents. For example, it is the County’s position that traditional Federal and State land uses, such as grazing, mining, and mineral development, are a higher priority than recreation. The County will not support placing these uses in jeopardy in order to expand recreational opportunities.

As the County clarifies its “multiple-use” position and preferences through the Millard County General Plan, Federal and State land management agencies will know in advance whether an agency-proposed action is consistent with County policy. Additional information beneficial to Federal and State land management agencies includes:

- identifying areas where specific uses or a combination of uses *will* be permitted, and

- identifying areas where specific uses and/or land classifications (wilderness, Area of Critical Environmental Concern (ACEC), etc.) *will not* be considered.

Millard County is actively working with the Bureau of Land Management (BLM) and the United States Forest Service (USFS) to develop additional memorandums of understanding (MOU). These agreements will identify opportunities for the County and Federal and State land management agencies to work together on mutual interests and objectives and will identify specific opportunities for the County to participate in agency planning processes.

The County will continue to actively participate in agency decision-making processes on a consistent basis to ensure that County multiple-use concerns and interests are heard and adequately addressed.

Objective: *County support of "multiple-use" Federal and State land management practices.*

Implementation Strategies:

Under direction of the County Commission, the County planning staff and members of the County-level Federal and State Lands Committee may be invited to:

- advise the Commission concerning county-impacting multiple-use issues. The County Commissioners will submit the County's formal responses to the appropriate local and State-level offices of Federal and State land management agencies and organizations, e.g. copies of recommendations/comments will be sent to local and State offices of the Bureau of Land Management, United States Forest Service, United States Fish and Wildlife, National Park Service, State School and Institutional Trust Lands Administration, and Division of Wildlife Resources. Copies may also be forwarded to the Utah Association of Counties, the Six-County Association of Governments, the State Resource Development Coordinating Committee, the Director of Utah Department of Natural Resources, and the Governor's Office of Planning and Budget.
- assist local-level Federal and State land managers in gathering and preparing valid data and information as needed to adequately and accurately represent impacts on County interests if multiple-use land management practices are modified.
- participate in Federal and State resource planning processes during the scoping/issue identification and draft plan review/comment periods.
- notify interested County residents of current or proposed activities and solicit their input when formulating County comments/responses.
- review Federal and State resource management plans in respect to "multiple-use" management. This includes proposed alternatives or modifications to existing practices and resource allocations.

County Position - Resource Use and Development

Millard County enjoys an abundance of natural resources including: minerals, rangeland, timber, wildlife, quality water, clean air and unique geological and educational features. Continued use and accessibility of these resources is necessary for the County to reap the associated economic benefits. It is in the County's best interest to actively participate in Federal and State resource allocation and use discussions to ensure that management plans continue to allow existing and

future resource development and related industry expansion.

It is Millard County's position that Federal and State land resources should be utilized in a responsible manner. The County supports the continued use of renewable resources and the use of non-renewable resources as long as the latter can be developed in a manner consistent with the County plan and without adverse permanent impacts to the environment or water and air quality.

The County also encourages the use of additional natural resources as they become available or as new technologies are developed.

Under direction of the Commission and through partnerships with private industry and Federal and State land managers, the County's State and Federal Lands Committee and County planning staff may develop a "resource data base" identifying and inventorying natural resources within the County. This information will be used to evaluate development potential of currently untapped resources and the feasibility of continuing existing operations. This resource base will also identify areas of existing economic dependence. This information will be used to assist the County in identifying "preferred" land uses and development scenarios. Once gathered and analyzed, this information and subsequent recommendations will be added to the County's General Plan.

As part of this planning effort, four resource issues emerged as priorities: mineral development, range management, wildlife and water resources. These issues and the subsequent County objectives are addressed following the general *Action and Implementation Steps* below.

Objective: *Responsible use and development of Federal and State land resources.*

Implementation Strategies:

Under direction of the County Commission, the County planning staff and members of the County-level Federal and State Lands Committee may be invited to:

- coordinate efforts with private industry, Federal and State land management agencies and the County's economic development department to identify and inventory natural resources within the County. Subsequent exercises may include identifying specific areas and/or resources to be targeted for future use. Efforts will include a consideration of consumptive and non-consumptive uses.
- review agency and industry resource development data and reports. Understanding this information will assist the County in identifying and prioritizing its natural resource development objectives.
- advise the County Commissioners concerning County-impacting resource use and development issues. The County Commissioners will submit the County's formal responses to the appropriate local and State-level Federal and State land management agencies and organizations, e.g., copies of recommendations/comments will be sent to local offices of the Bureau of Land Management, the Forest Service, State School and Institutional Trust Lands Administration, and the Division of Wildlife Resources. Copies may also be forwarded to the State Resource Development Coordinating Committee, the Director of Utah Department of Natural Resources, and the Governor's Office.
- review Federal and State resource management plans in respect to resource stewardship and use. This includes ensuring that County resource availability and accessibility interests are

preserved and maintained.

Mineral Development

As identified during the County's wilderness study, significant mineral resources can be found within the County. Currently, several private interests are developing these resources and contribute significantly to the County's economy. In order to maintain the viability of these industries and protect their economic contribution to the County, it is critical that Federal and State lands and the accompanying resources remain accessible and open to rockhounding, mineral exploration and development.

Objective: *County support for mineral development activities.*

Vegetation/Forage Management

Several County industries depend on openrange grazing opportunities. Therefore, the County supports responsible rangeland management. The County encourages private and Federal/State agency partnerships organized to improve range conditions. Methods supported by the County include prescribed burns, reseeding and reclamation. The County is particularly interested in wildfire management and post-burn rehabilitation efforts. The County also supports vegetation manipulation programs designed to re-establish traditional uses and use levels. The County will continue, and expand as financially feasible, current noxious weed management programs.

In order to adequately protect the land and accompanying resources, management decisions must be made in a timely manner and programs implemented quickly. Millard County will actively participate in these processes.

Objective: *Active County participation in rangeland management activities.*

Wildlife Management

Millard County residents enjoy a diverse and abundant game and non-game wildlife population. This resource continues to provide a variety of recreational

opportunities for residents and visitors alike and makes a significant contribution to the County's "quality of life".

Millard County views wildlife as a resource that can be further promoted. Efforts in this area, however, must be appropriately balanced with other County interests. The County will support Division of Wildlife Resource (DWR) and private efforts to promote wildlife related activities and improve/protect critical habitat as long as doing so does not adversely impact or jeopardize other types of resource use and development including, but not limited to, farming, ranching, mining and off-road recreation.

It is Millard County's position that local government leaders and interested citizens must be advised of wildlife management issues and invited to provide input to the process *before* decisions are made and plans implemented. With this in mind, the County will work to improve communications between DWR and County residents through the local Land Owners/Wildlife Committee, the Regional Wildlife

Advisory Council and State Wildlife Board. As opportunities allow, it is in the County's interest to recommend a County representative to serve on these committees, councils and boards.

The County is particularly interested in decisions surrounding sensitive, threatened, and endangered species. In respect to this issue, the County must be notified and have opportunities to participate in the listing and de-listing processes, NEPA compliance reviews, critical habitat designations and recovery plan development exercises.

A significant amount of wildlife habitat is located on private land throughout the County. It is the County's position that landowners must be compensated for property damage attributable to wildlife and that private property rights must be protected from hunter/wildlife recreationist trespass.

In respect to specific Millard County preferences, it was determined that County residents support improving the condition of existing wildlife species over the introduction (or reintroduction) of additional species and protecting game animals over predators. It is also the County's position that agency-determined increases in wildlife numbers and/or expanded habitat areas (including re-introduction areas) must not come as a result of decreases in livestock numbers and/or grazing allotments.

As allowed by State statute, the County will submit formal comments to the Governor regarding proposed DWR property acquisitions.

Objective: *Active County participation in wildlife management decisions and issues.*

Implementation Strategies:

Under direction of the County Commission, the County will actively participate in the State's management of big game, fisheries, upland game and other wildlife issues through the County-level Federal and State Lands Committee. On request, committee members may:

- advise the County Commissioners concerning County-impacting wildlife issues. The Commissioners will submit the County's formal responses to the appropriate local and State-level Federal and State land management agencies and organizations e.g. copies of recommendations/comments will be sent to the Regional Wildlife Advisory Council and the local offices of the Division of Wildlife Resources, the Bureau of Land Management, and the Forest Service. Copies may also be forwarded to the State Resource Development Coordinating Committee, the Director of Utah Department of Natural Resources, the Utah Wildlife Board, and the Governor's Office.
- actively promote County representatives on the Regional Wildlife Advisory Council and Utah Wildlife Board.
- prepare briefings for the Regional Wildlife Advisory Council and Utah Wildlife Board.
- notify interested County residents and in-County wildlife interest groups of current or proposed activities and solicit their input when formulating County comments.
- participate in Federal and State wildlife and wildlife/fish habitat planning processes during the scoping/issues identification and *draft* plan review/comment periods.
- attend local, regional, and State-wide Utah Wildlife Board public meetings as needed.

- review Federal and State resource management plans in respect to wildlife management. This would include assessing wildlife types, numbers, and location.

Water Resources

Water is considered the "lifeblood" of Millard County. Current and future residential, industrial, recreational, and agricultural development is determined by water quality, availability and allocation. It is in the County's interest to protect this limited resource by promoting the efficient use and management of its water resources. Relative to this agenda, the County will take an active role in all relevant State, regional, and local water-resource management plans and decision-making processes.

The County maintains that private water rights located on Federal and State lands must be protected. This position is further expanded to include the identification and adequate protection of community watersheds and groundwater recharge areas located on Federal and State lands.

Millard County desires to protect and enhance the quality and quantity of useable water by promoting and expanding the efficient management of water resources. The County supports the development, adoption, and implementation of water storage and distribution plans by individuals, irrigation companies, industrial users, and municipalities.

Millard County also benefits from the vast water knowledge and expertise of its residents. Many are directly involved in water management, allocation, and use within the region. The County encourages increased cooperation among irrigation companies, special service districts, municipalities, and water user associations as these entities address water management issues and make county-impacting decisions.

Objective: *The County encourages and supports the development of water management plans and facilities.*

Objective: *County support and participation in responsible Federal and State land water resource management activities.*

Sevier River Resource Management Plan

Currently, the County is working with the State of Utah to develop a resource management plan for the Sevier River. This planning process will explore the various uses along the river corridor and the effects of adjacent land uses. Specific County interests related to this project include protecting the water rights of existing users and maintaining/protecting the water resource and use provisions as identified in the Cox Decree. Depending on the management plan's final objectives and recommendations, Millard County may adopt the document as part of their General Plan.

County Position - Federal and State Land Consolidation, Federal/State and Private Land Exchanges

Millard County supports efforts to consolidate and/or exchange Federal and State lands within the County if doing so improves management of these areas, benefits County residents and addresses

challenges associated with the existing “checker board” ownership. More specifically, the County will work to identify and consolidate areas and resources that promote economic growth, allow additional resource development, protect sensitive resources (e.g. watersheds), reduce access problems, and/or improve land/resource management.

The County will actively participate in all relevant consolidation or exchange discussions through the Millard County Commission. Based on the magnitude and merits of each consolidation/exchange proposal, the County may prepare a formal “County position” indicating support or the lack thereof for the proposed action.

As the Millard County Commission reviews proposals recommending private-to-public and public-to-private land transfers, they will consider the following issues:

- impacts/benefits to the County in terms of private/public land ratios and the resulting tax revenue,
- impacts to adjacent land owners, and
- potential economic impacts/benefits.

County Position(s) - No net loss of private land, Support for increasing private land holdings within the County

Less than thirteen percent of the land area within Millard County is privately owned. It is the County’s position that Federal and State land consolidation efforts and private-to-public sector land transfers should not further erode the County’s private land base.

As private-to-public land transfers occur, Millard County will work with Federal and State land management agencies to identify and make available for private purchase an equivalent amount (in terms of acreage and value) of public land. In addition, the County will support the direct disposal of Federal and State lands to private interests if such interests are consistent with other County objectives. When possible, subject lands and the accompanying surface and subsurface resources will be transferred to private ownership without use restrictions.

Objective: *County support for consolidating Federal and State lands within the County.*

Objective: *County support for increasing private land holdings within the County.*

Implementation Strategies:

- The County will request to be placed on all agency mailing lists relevant to private/public/nonprofit organization Federal and State land or resource transactions.
- The County will review all proposed Federal, State and private land consolidation or transfer proposals. This includes all private land acquisitions by special-interest groups or non-profit organizations if subject properties are to be turned over to government agencies following the initial acquisition.
- Millard County will solicit Utah Association of Counties, Six-County AOG and State support for County recommendations on a case-by-case basis. The County’s position will be forwarded to Federal and State agencies as necessary.

This effort may also include:

- gathering/preparing valid data identifying impacts to the County if transfer are made, e.g., loss of tax base, etc.,
- reviewing Federal and State private land acquisition and/or Federal and State land disposal proposals in respect to County interests (This includes considering affected resources uses and access.), and
- identifying and prioritizing Federal and State lands or resources for future "exchange" or "disposal".

County Position - Public Land Recreation and Tourism

Millard County offers a variety of recreational opportunities for residents and visitors alike. Although the majority of these recreational facilities and resources are found on public lands, visitors to these areas directly impact the County by drawing on County-provided infrastructure, law enforcement, emergency-medical and waste disposal services.

The County supports increased recreational activity on public lands, but feels that Federal and State agencies should acknowledge, and more adequately address, the impacts associated with these activities. The County feels that Federal and State agencies have an obligation to assist the County in addressing these issues and that any efforts to increase recreational opportunities on public land should include an agency-provided evaluation of impacts on county-provided services and benefits to the local economy.

When evaluating potential recreational objectives and alternatives, the County will consider the following issues:

- the County's ability to provide essential services (law enforcement, emergency services, water and waste management, search and rescue);
- impacts on traditional resource uses;
- facility development and maintenance "partnerships" with agencies, concessionaires, and special interest groups; and
- anticipated economic returns and allocation of revenues received.

Objective: *The County will evaluate existing and anticipated tourism related infrastructure and service demands.*

Objective: *Millard County will actively participate in the recreational planning exercises of relevant Federal and State agencies.*

County Position - Federal and State Lands Access

Millard County has strong opinions concerning public access to and across Federal and State lands. The County depends on the use of these lands and the development of the accompanying resources for several County-based industries including mining and mineral development, grazing and recreation. Adequate Federal and State lands access is necessary for these activities to continue.

Millard County claims all roads and trails constructed on and traversing over Federal and State lands prior to the passage of FLPMA (1976) as public access routes. Furthermore, it is the County's position that the 1866 Mining Act transferred the ownership of all then-existing roads and rights-of-ways to the State of Utah. At that time, these thoroughfares crossed unreserved Federal and State lands and were open to the traveling public. The majority of these roads were constructed by either equipment or passage of vehicles and have been maintained by such activities since that time.

Millard County feels that the proposed RS2477 regulations are unjust, illegal and place an unfair burden of proof on western rural counties with regards to validating existing rights-of-ways. It is the County's position that closing these thoroughfares is a "takings".

The County has worked to develop a comprehensive RS2477 rights-of-way map and supporting documentation. Associated activities include identification and mapping of RS2477 rights-of-ways in the County (approximately 1841 roads). The location, distance and length of all County-claimed roads have been recorded through the use of Global Positioning Units (GPUs) and mapped accordingly by the Utah Geological Survey. Copies of the final map are on file with the Fillmore BLM Office and the Governor's Office of Planning and Budget.

The County claims access to all RS 2477 and all other County roads on the B and D systems.

The County also supports general public access through private lands to public lands as historically provided and allowed. The County will work with individual land owners as necessary to maintain these traditional thoroughfares and protect private property rights.

To ensure that the County's "access" questions and concerns are accurately identified and adequately addressed, the County will continue to participate in all relevant Federal and State land/road management decisions.

Objective: *County support for maintaining/preserving adequate public land access.*

Implementation Strategies:

Maintaining public land access efforts will include:

- working with the Bureau of Land Management to identify and establish ownership and "rights-of-way" agreements for all Class B and D roads within the County,
- gathering/preparing data identifying impacts on the County if public-land access is altered,
- notifying interested County residents of current or proposed activities and soliciting their input when formulating County comments/responses,
- continuing to work with Federal and State agencies to mutually address access issues (Relevant issues include proposed road closures, realignments, and/or "type of use" designations), and

- reviewing Federal and State resource management plans in respect to public land access. Again, relevant issues include proposed road closures, realignments, and/or "type of use" designations. This action includes reviewing the current Forest Service Travel Plan.

Millard County, Utah Resource Management Plan

I. Scope and Authority

Millard County asserts planning authority over all lands and natural resources within its geographical boundaries even though the United States owns the vast majority (78%) of those lands and resources. Like any other landowner in the County, the United States is subject to Millard County's land and natural resource plans and policies to the maximum extent, provided such plans and policies of Millard 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 Millard County. Therefore, there is no constitutional basis for the Federal Government to assert exclusive jurisdiction over any federal land in Millard 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 Millard 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, Millard County has the legal right to make its General Plan broad and comprehensive to address all land use issues on federally owned ground in Millard County. Under Utah Code § 17-27a-401(2), Millard 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 Millard 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 Millard County's *General Plan*:

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

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.

5. Millard 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 Millard County, he is required by law to incorporate the plans, policies, programs, processes, and desired outcomes of Millard 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).

7. On March 2, 1999, the Board of Millard County Commissioners organized the Millard County Wilderness Organizational Steering Committee which was later named the Millard County Public Lands Steering Committee for Responsible Use of Public Lands “MCSRUP.”

Serving on the Committee were:

G. LaVar Cox, Commissioner	Stephen B. Draper, Commissioner
Tony Dearden, Commissioner	Leon Smith, Millard County Planner
Sheryl Dekker, Commission Assistant	Bob Robison, Chairman / Geologist
John Nielson, Cattleman	Rex Rowley, BLM
Forrest Taylor, Retired County Road	Rex Stanworth, Hunter/Wildlife
Gale Bennett, Retired BLM	Verl Tolbert, Cattleman
Robert Wetzel, Rock Hounder	Paul Clark, Recreationist
Brent Olson, School Board	Val Kofoed, Civil Engineer
Rand Crafts, IPSC /Chairman (Feb 2001)	Clyde Yates, Brush Resources
Kraig Stumph, Recreationist	Ed Purcell, Recreationist
Dick Willoughby, Senior/ADA	Ross Melville, Senior/ADA
Many other members of the community attended these meetings regularly.	

From March 1999 to until September 2001, regular monthly meetings were held to discuss Millard County’s strategies and plans to oppose wilderness designation in Millard County. Minutes of these meetings are available at the Millard County Offices in Delta, Utah.

On November 16, 2004, the Millard County Comprehensive Land Use Planning Committee held its first meeting at Fillmore, Utah. The purpose of organizing this committee was to create a land use bill for Millard County similar to that done by Washington County, Utah and Clark County, Nevada.

Serving on this committee were:

Randy Johnson, Public Lands Advisor	Daron P. Smith, Commissioner
John C. Cooper, Commissioner	Craig P. Greathouse, Commissioner
Lee Monroe, Farmer & Cattleman	Rand Crafts, IPSC & Recreationist
Joyce Barney, P&Z	Rick Archibald, Zion’s Bank
Russell Greathouse, Farmer & Cattleman	Fred Tolbert, Cattle & Grazing
Maria Nye, Dairy & Agriculture	David Sturlin, Eskdale & P&Z
Gayle Bunker, Delta City Mayor	Gordon Chatland, State Parks & P&Z

Ted Dearden, Recreationist/Retail Sales
Bryan Thiriot, Senator Bennett's Ofc.
Marreen Casper, Senator Hatch's Ofc.
Leon Smith, County Planner
John Harja, Dept of Natural Resources
Sherry K. Hirst, BLM
Jamie Gillmor, Wool Growers Assn.
Ken Martin, Fillmore City Council
Jody Gale, USU Extension - Richfield
Bob Gardner, US Forest Service

Sam Starley, Mayor of Fillmore
Peggy Harrison, Congressman Canon's Ofc.
Russell Cowley, SCAOG
Lisa Reid, BLM
Derk Beckstrand, USA All
Terry McIntyre, Graymont
John Keeler, Farm Bureau
Kathy Walker, Commissioner
Abner B. Johnson, Fillmore Resident
Jerald Anderson, Garrison, Utah

Monthly meetings were held through September 13, 2005. Minutes of those meetings are available at the Millard County Offices in Delta.

II. 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 Millard 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.
 - Guard 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 citizens including economic considerations.
 4. Provide for the sale, exchange, or lease of such BLM lands for the economic benefit of Millard County and private land owners.
 - Give credence to private land owners to resolve the issue of private property versus BLM land. BLM should give consideration to private land owners to purchase, exchange, or lease BLM land when it interferes with or negatively impacts private property owners in their land use operations adjacent to federally owned land.
 - Such sale should not impact military training, testing, or operational readiness in UTTR flight zones.

III. **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 Millard County. This is how the citizens of Millard 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 Millard County,
- (B) support valid existing transportation, mineral, and grazing privileges in Millard 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 Millard 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 Millard 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 Millard 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 Millard 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.

IV. Subject Lands

A. Wilderness Study Areas

This plan clarification applies to those certain areas of land in Millard County which the United States Bureau of Land Management ("BLM") in its 1991 Wilderness Re-Inventory Study Report purported to label as follows:



SWASEY MOUNTAIN	
Located in - T15S, R13W - T15S, R14W - T16S, R12W - T16S, R13W - T16S, R14W - T17S, R12W - T17S, R13W	
BLM WSA	52,139 acres
BLM recommended	34,376 acres
Millard County Position	35,784 acres
Elevation: 9,669 feet	
Location: northwestern Millard County 35 miles west of Delta	
Air Quality Standard: PSD Class II	

Millard County's study of the Swasey Mountain WSA has resulted in the position that there are 35,784 acres that meet the criteria of the *1964 Wilderness Act* with the following characteristics:

- (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
 - Most areas are in a natural condition with little evidence of human presence.
 - BLM's proposal has surface disturbances created by camping, historical developments, a buried waterline, corrals and commercial mining of fossils.
 - Boundaries are better defined in Millard County's plan as the highest elevations which are the areas that meet the wilderness criteria. The boundary is established at the end of each road because the evidences of man beyond those points are diminished.
- (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation;

- Remoteness
- Rugged terrain
- Opportunities for a variety of primitive and unconfined types of recreation, including hiking, climbing, hunting, camping, and sightseeing, with interesting scenery, geology, caves, and wildlife

(3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and

- Millard County proposes 35,784 acres of contiguous acres for wilderness designation

(4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

- The road to Sinbad was improved by the CCC's (Civilian Conservation Corps.1937-1940) and has had ongoing maintenance to the end of the cliff since that time. Millard County asserts a 4,000 foot right of way in this area to facilitate ongoing camping, pine nut hunting, group gatherings, recreation, grazing, and hunting.
- Sawmill Basin and Robber's Roost are currently accessed by horseback and foot. Both have high evidence of intrusion of man. However, Millard County's plan is that they should be included as wilderness to preserve them as heritage areas. Motorized vehicles should be restricted with a staging area for parking.
- Swasey Springs will carry a right of way for motorized vehicles because of maintenance of water lines. Any right of way that has a road of any description is claimed by Millard County as a road.



HOWELL PEAK

Located in - T17S, R13W - T17S, R14W- T18S, R14W

BLM WSA 27,359 acres

BLM Recommended 14,800 acres

Millard County Position 11,094 acres

Elevation: 8,348 feet

Location: northwestern Millard County 45 miles west of Delta

Air Quality Standard: PSD Class II

Millard County's study of the Howell Peak WSA has resulted in the position that there are 11,094 acres that meet the criteria of the *1964 Wilderness Act* with the following characteristics:

(1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;

- Most areas are in a natural condition with little evidence of human presence.
- A central portion of the area is pristine.
- BLM's proposal has surface disturbances created by mineral exploration camping, seven miles of road, on the periphery, and historical mining developments.
- Millard County's boundaries are established at the end of each road because the evidences of man beyond those points are diminished.
- There are no springs, streams or ground water aquifers in Millard County's plan.

- (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation;
 - Rugged terrain, steep cliffs, and pinyon junipers contribute to the solitude in the central portion.
 - The Howell Peak WSA is in the U.S. Air Force (USAF), Utah Test and Training Range (UTTR) with from 100 to 150 daily flights which deters opportunities for solitude.
 - Land uses include sheep grazing, caving, hunting, camping, hiking, and other primitive forms of recreation.
- (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and
 - Millard County proposes 11,094 acres of contiguous acres for wilderness designation
- (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.
 - Council Cave, near Antelope Peak, has the largest entrance of any cave in Utah and is visible for 50 miles. Other caves are also located in the plan.
 - Major features are Antelope Peak, numerous caves and trilobite fossil beds.



CONGER MOUNTAIN

Located in - T17S, R16W - T18S, R 16W
 - T16S, R17W

BLM WSA 21,680 acres

BLM Recommended 0 acres

Millard County Position 12,409 acres

Elevation: 8,070 feet

Location: western Millard County 50 miles west of Delta

Air Quality Standard: PSD Class II

Millard County's study of the Conger Mountain WSA has resulted in the position that there are 12,409 acres that meet the criteria of the *1964 Wilderness Act* with the following characteristics:

- (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
 - Most areas are in a natural condition with little evidence of human presence.
 - Willow Springs is the only water source within BLM's WSA. In the area proposed by Millard County, the Willow Springs is excluded.
 - Foothills are generally absent and there is only a moderate contrast between the mountains and valleys.
 - Boundaries are better defined in Millard County's plan as the highest elevations which are the areas that meet the wilderness criteria. The boundary is established at the end of each road because the evidences of man beyond those points are diminished.
- (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation;
 - Opportunities for primitive recreation are not outstanding and the area is not particularly scenic.
 - Rugged terrain

- The Conger Mountain range has the most concentrated effects from low flying aircraft on the U.S. Air Force (USAF), Utah Test and Training Range (UTTR) with from 100 to 150 daily flights which deters opportunities for solitude.²
- (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and
- Millard County proposes 12,409 acres of contiguous acres for wilderness designation
- (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.
- A herd of approximately sixty horses roams the proposed area.
 - A spring development, sheep pen, and a sheep corral are present
 - Sparse, low-growing vegetation and relatively flat topography
 - Conger Mountain contains a one-day ATV Trail established by Utah Interagency OHV Partners



NOTCH PEAK

Located in: - T18S, R13W - T18S, R14W
 - T19S, R13W - T19S, R14W
 - T20S, R13W - T20S, R14W

BLM WSA 55,609 acres

BLM recommended 28,000 acres

Millard County Position 20,353 acres

Elevation: 9,655 feet

Location: northwestern Millard County 45 miles west of Delta

Air Quality Standard: PSD Class II

Millard County's study of the Notch Peak WSA has resulted in the position that there are 20,353 acres that meet the criteria of the *1964 Wilderness Act* with the following characteristics:

- (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
- Most areas are in a natural condition with little evidence of human presence.
 - BLM's proposal has surface disturbances created by camping, historical developments, a buried waterline, corrals and commercial mining of fossils.
 - Boundaries are better defined in Millard County's plan as the highest, central and most mountainous elevations which are the areas that meet the wilderness criteria. The boundary is established at the end of each road because the evidences of man beyond those points are diminished.
 - Notch Peak rises vertically nearly 3,000 feet and is one of America's highest cliffs which is visible from more than 70 miles away.
 - A 9,000 acre area of critical environmental concern is identified to be nominated as a National Natural Landmark by the Department of Interior.
- (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation;
- The Notch Peak WSA is in the U.S. Air Force (USAF), Utah Test and Training Range (UTTR) with from 100 to 150 daily flights which deters opportunities for solitude.

- Sights and sounds on U.S. Highway 6 & 50, vehicular traffic on roads, and mining activity in Amasa Valley detract from solitude in this area.
- In the higher parts of the area including Notch Peak, opportunities for hiking are outstanding due to challenging terrain and spectacular views.
- Tall stands of trees and the narrow, deep canyon bottom offer outstanding opportunities for solitude

(3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and

- Millard County proposes 20,353 acres of contiguous acres for wilderness designation

(4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.



King Top

Located in: - T20S, R14W - T20S, R15W
 - T21S, R15W - T22S, R14W

BLM WSA 91,431 acres

BLM Recommended 0 acres

Millard County Position 21,187 acres

Elevation: 8,070 feet

Location: southwestern Millard County 50 miles southwest of Delta

Air Quality Standard: PSD Class II

Millard County's study of the King Top WSA has resulted in the position that there are 21,187 acres that meet the criteria of the *1964 Wilderness Act* with the following characteristics:

(1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;

- Most areas are in a natural condition with little evidence of human presence.
- BLM's proposal has surface disturbances created by mineral exploration and excavation.
- The microwave tower in the northern part of the WSA is a major station for telecommunications.
- The boundary is established at the end of each road because the evidences of man beyond those points are diminished.



(2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation;

- The King Top WSA is in the U.S. Air Force (USAF), Utah Test and Training Range (UTTR) with from 100 to 150 daily flights which deters opportunities for solitude.
- Sights and sounds on U.S. Highway 6 & 50, vehicular traffic on roads detract from solitude in this area.

(3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and

- Millard County proposes 21,187 acres of contiguous acres for wilderness designation

(4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

- The King Top area is highly mineralized and has hundreds of active and inactive mineral claims. (See attached map. Indicates mining claims. The excluded areas should be released for exploration)
- Fossil Mountain located at the edge of the southeastern portion of the WSA has been identified as an ACEC for lower Ordovician fossils.
- A herd of 45 wild horses roams the WSA.
- Cat Canyon and Bird Canyon roads should remain open for multiple use.



NORTHERN WAH WAH MOUNTAINS

Located in - T23S, R15W

BLM WSA 45,342 acres

BLM recommended 36,382 acres

Millard County Position 37,779 acres

Elevation: 8,980 feet

Location: southwestern Millard County and northwestern Beaver County, about 30 miles west of Milford.

Air Quality Standard: PSD Class II

****This plan does not include the 7,140 acres of WSA located in Beaver County**

Millard County's study of the Wah Wah Mountains WSA has resulted in the position that there are 37,779 acres in Millard County that meet the criteria of the *1964 Wilderness Act* with the following characteristics:

- (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
 - Most areas are in a natural condition with little evidence of human presence.
 - The Wah Wah Mountains are one of the most remote and untouched mountain ranges in the west desert.
 - The boundary is established at the end of each road because the evidences of man beyond those points are diminished.
 - Crystal Peak is visible for more than 50 miles as a white mountain of tuff remaining as a result of an ancient volcano.
- (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation;
 - Impressive views from the central ridge line of mountains give a sense of the region's vastness and of the desert's profound solitude.
 - Opportunities for a variety of primitive and unconfined types of recreation, including fossil collecting, geological sightseeing, and biological sightseeing. The major primitive recreational use is hiking in conjunction with sightseeing.
 - The Wah Wah Mountains WSA is in the U.S. Air Force (USAF), Utah Test and Training Range (UTTR) with from 100 to 150 daily flights which deters opportunities for solitude.
- (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and
 - Millard County proposes 37,779 acres of contiguous acres for wilderness designation
 - Millard County's plan includes added acres that meet wilderness criteria, but excludes existing roads where evidence of man is well established.

(4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

- Crystal Peak, a mountain of white volcanic tuff, is visible for 50 miles and offers opportunities for geological sightseeing along with the sheer limestone cliffs located in this mountain range.

*See Attachment A

This plan clarification also applies to all other areas of land located in Millard 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, listing the following areas in Millard County.

B. Non-Wilderness Study Areas

- Kern Mountains – located in Millard and Juab Counties
 - T15S, R19W
- Wild Horse Pass – located in Millard and Juab Counties
 - T15S, R19W - T15S, R18W - T15S, R17W
 - T16S, R18W - T16S, R19W
- Disappointment Hills – located in Millard and Juab Counties
 - T15S, R17W
- Granite Mountain – located in Millard and Juab Counties
 - T15S, R16W
- Middle Mountains – located in Millard and Juab Counties
 - T15S, R15W - T15S, R16W
- Tule Valley – located in Millard and Juab Counties
 - T15S, R14W - T15S, R15W - T15S, R16W
 - T16S, R14W - T16S, R15W - T16S, R16W
 - T17S, R14W - T17S, R15W - T17S, R16W
- Drum Mountains – located in Millard and Juab Counties
 - T15S, R9W - T15S, R10W
- Crater Bench – located in Millard and Juab Counties
 - T15S, R8W - T15S, R9W
- Coyote Knoll - located entirely in Millard County
 - T15S, R15W - T15S, R16W
 - T16S, R15W - T16S, R16W
- Little Drum Mountains North – located entirely in Millard County
 - T15S, R10W - T15S, R11W - T15S, R12W
 - T16S, R10W - T16S, R11W
- Little Drum Mountains South – located entirely in Millard County
 - T16S, R10W - T16S, R11W - T15S, R10W
- Swasey Mountains – located in Millard and Juab Counties
 - T15S, R13W - T15S, R14W - T16S, R12W
 - T16S, R13W - T16S, R14W - T17S, R12W
 - T17S, R13W - T17S, R14W
- Snake Valley - located entirely in Millard County
 - T16S, R18W - T16S, R19W - T17S, R17W
 - T17S, R18W - T17S, R19W - T18S, R18W

- T18S, R19W
- Ledger Canyon - located entirely in Millard County
 - T17S, R16W - T18S, R15W - T18S, R16W
 - T19S, R16W
- Chalk Knolls - located entirely in Millard County
 - T17S, R15W - T18S, R14W - T18S, R15W
- Tule Valley South – located entirely in Millard County
 - T17S, R14W - T17S, R15W - T18S, R14W
 - T18S, R15W
- Conger Mountain – located entirely in Millard County
 - T17S, R16W - T17S, R17W - T18S, R16W
 - T18S, R17W
- Howell Peak - located entirely in Millard County
 - T17S, R13W - T17S, R14W - T18S, R13W
 - T18S, R14W
- Notch Peak - located entirely in Millard County
 - T18S, R13W - T18S, R14W - T19S, R13W
 - T19S, R14W - T19S, R15W - T20S, R13W
 - T20S, R14W
- Notch View - located entirely in Millard County
 - T18S, R15W - T19S, R15W
- Orr Ridge - located entirely in Millard County
 - T18S, R13W - T19S, R13W
- Bull Grass Knoll - located entirely in Millard County
 - T19S, R15W - T19S, R16W - T20S, R15W - T20S, R16W
- Burbank Pass – located entirely in Millard County
 - T21S, R18W - T21S, R19W
- Middle Burbank Hills - located entirely in Millard County
 - T22S, R18W - T22S, R19W - T23S, R18W - T23S, R19W
- Burbank Hills - located entirely in Millard County
 - T22S, R18W - T23S, R18W - T23S, R19W - T24S, R18W
 - T24S, R19W
- Barn Hills - located entirely in Millard County
 - T21S, R14W - T22S, R14W
- Red Tops - located entirely in Millard County
 - T20S, R13W - T21S, R13W - T21S, R14W - T22S, R13W
 - T22S, R14W - T23S, R13W - T23S, R14W
- Black Hills - located entirely in Millard County
 - T22S, R13W - T23S, R13W
- King Top - located entirely in Millard County
 - T20S, R14W - T20S, R15W - T20S, R16W - T20S, R17W
 - T21S, R14W - T21S, R15W - T21S, R16W - T22S, R14W
 - T22S, R15W - T22S, R16W
- Juniper - located entirely in Millard County
 - T22S, R17W - T23S, R17W - T23S, R18W - T24S, R18W
- Tunnel Springs - located entirely in Millard County
 - T22S, R17W - T23S, R17W - T23S, R18W - T24S, R17W
 - T24S, R18W

- Painted Rock Mountain - located entirely in Millard County
 - T22S, R15W - T22S, R16W - T23S, R15W - T23S, R16W
- Tweedy Wash - located entirely in Millard County
 - T24S, R19W - T24S, R20W
- Mountain Home Range North - located entirely in Millard County
 - T24S, R19W - T25S, R18W - T25S, R19W - T25S, R20W
 - T26S, R18W - T26S, R19W - T26S, R20W
- Cricket Mountains - located entirely in Millard County
 - T20S, R9W - T20S, R10W - T21S, R9W - T21S, R10W
 - T22S, R10W
- Red Canyon - located entirely in Millard County
 - T21S, R10W - T21S, R11W - T22S, R10W - T22S, R11W
 - T23S, R10W - T23S, R11W
- Little Sage Valley - located entirely in Millard County
 - T22S, R9W - T22S, R10W - T23S, R9W - T23S, R10W
- Headlight Mountain - located entirely in Millard County
 - T23S, R10W - T23S, R11W
- Cat Canyon - located entirely in Millard County
 - T22S, R10W - T23S, R10W - T24S, R10W
- Sand Ridge - located entirely in Millard County
 - T20S, R6W - T20S, R7W - T20S, R8W - T21S, R6W
 - T21S, R7W - T21S, R8W, - T22S, R7W - T22S, R8W
 - T22S, R9W - T23S, R8W - T22S, R9W
- Mountain Home Range South - located in Millard County and Beaver Counties
 - T24SR19W - T25S, R18W - T25S, R19W - T25S, R20W
- Jackson Wash - located in Millard County and Beaver Counties
 - T25S, R18W - T25S, R19W
- North Wah Wah Mountains - located in Millard County and Beaver Counties
 - T23S, R15W - T23S, R16W - T24S, R15W - T24S, R16W
 - T25S, R14W - T25S, R15W - T25S, R16W
- San Francisco Mountains - located in Millard County and Beaver Counties
 - T25S, R12W - T25S, R13W

For purposes of this plan clarification, all of the above-described Non Wilderness Study Areas 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 Millard County Region” shall refer to any and all of the above-described land areas.

*See Attachment B

¹ There are six FLPMA Section 603 Wilderness Study Areas (“WSAs”) in this general area within the borders of Millard County: North Wah Wah Mountains WSA, Swasey Mountain WSA, King Top WSA, Howell Peak WSA, and Conger Mountain WSA. The fact that Section V below addresses only areas outside those WSAs does not imply that Millard County necessarily concedes that all of those WSA’s are suitable for wilderness designation or de facto wilderness management restrictions. To the contrary, Millard County has formally set forth a written Wilderness Proposal, developed in 2003, which calls for wilderness designation only in certain acres that are contained in those six WSAs. Millard County’s position about how to treat these WSA’s is summarized in the discussion in Section IV A. above regarding the Swasey Mountain, Howell Peak, Conger Mountain, Notch Peak, King Top and Northern Wah Wah Mountains WSA’s.

DISCLAIMER

These Non-WSA Proposed Wilderness Regions have always been managed for multiple uses. They have never been managed as de facto wilderness nor managed for any alleged wilderness characteristics (there are none) nor for so-called Wild Lands (they are not). The current BLM Resource Management Plan for the Fillmore Planning Area (Fillmore RMP) has never treated these Non-WSA Proposed Wilderness Regions as anything other than regular multiple use areas, and nowhere in the current Fillmore 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. Moreover, because part of the Fillmore Planning Area is within the fly space relevant to the Utah Test and Training Range (UTTR), a Congressional moratorium is in place which bars any revision to the Fillmore RMP 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 Millard County is clarifying its general plan to re-affirm its long-standing pro-multiple use and minimal-wilderness policy and position with respect to any of these Non-WSA Proposed Wilderness Regions, does not imply that Millard 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 Millard County concede or imply in any way that any of these regions possess any wilderness quality lands or resources. They do not.

Accordingly, this plan clarification is a cautionary action by Millard County to guard against any illegal 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 of the Non-WSA Proposed Wilderness Regions. Millard County expects full compliance by the BLM with the consistency requirements of FLPMA and that the BLM honor these policies of Millard County when considering how to manage the Non-WSA Proposed Wilderness Regions.

V. Clarification of Ongoing Plan for the Non-WSA Proposed Wilderness Regions

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

- Development of the solid, fluid and gaseous mineral resources in the Regions is an important part of the economy of Millard County.
- Millard County recognizes that it is technically feasible to access mineral and energy resources while preserving or, as necessary, restoring non-mineral and non-energy resources.
- All available solid, fluid and gaseous mineral resources in the Regions should be seriously considered for their contribution or potential contribution to the Millard 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 modified, waived or removed.
- Restrictions against surface occupancy should be modified, waived or, if necessary, removed where it is shown that directional drilling is not ecologically necessary, 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 carefully evaluated for removal.

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 Regions has succeeded to pinyon, 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.
- Millard County regards the land which comprises the grazing districts and allotments in the Region 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 Millard County's plan that animal unit months in the Regions not be relinquished or retired in favor of conservation, wildlife or other uses.
- Millard 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 Non-WSA Proposed Wilderness 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 Millard 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 Regions to Achieve and Maintain Water Resources at the Highest Reasonably Sustainable Levels.
- All water resources that derive in the 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, Millard County has a legitimate interest in seeing that all reasonable steps are taken to preserve, maintain and, where reasonable, as determined by Millard County, develop those water resources.
 - With increased demands on water resources 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 pinyon, 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.
 - Millard County’s strategy and plan for protecting the Regions watershed is to deter unauthorized cross-country OHV use in the Regions. The best way to achieve this is to give OHV users a reasonable system of roads and trails in the Regions on which to legitimately operate their OHVs. Closing the Regions to all OHV use will only spur increased unauthorized cross-country OHV use to the detriment of the Regions’ 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, citizens of Millard County and visitors have enjoyed many forms of outdoor recreation in the Regions, such as hunting, fishing, hiking, family and group parties, family and group campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering, parking their RV, or just plain touring in their personal vehicles. Such activities are important to Millard County’s character.
 - 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 in the Regions 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 form of recreating, and to the economically disadvantaged and underprivileged who lack the money and ability to take the time off work necessary to get outfitted for a multi-day “primitive hike” to reach those destinations. 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 Regions if they do not want to or are unable or cannot afford such an activity.

- Hence Millard County’s plan calls for continued historical public motorized or mechanized access to all traditional outdoor recreational destinations in all areas of the Regions for all such segments of the public. Millard 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 Millard County’s duly adopted transportation plan shall remain open to motorized travel. None of them should be closed other than by action of Millard County. Millard County should have the continued ability to maintain and repair those roads, and where reasonably necessary, make improvements thereon. All trails in the Regions that have been open to OHV use shall continue to remain open. Traditional levels of wildlife 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 continue.

5. Maintain and Keep Open all Roads in the Regions That Appear on Millard County’s 2007 Transportation Map, and Provide for Such Additional Roads and Trails as may be Necessary from Time to Time. Millard 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 maintained by the County.

- That portion of Millard County’s official transportation map which shows all public roads and trails in the Regions is considered to be part of Millard County’s land use plan. This map is attached to and made part of this plan by this reference.

- Millard County plans to keep all such roads in the Regions open and reasonably maintained and in good repair. Millard County will consult with the BLM about any required improvements to such roads, reserving the right to request court intervention and relief in the event Millard 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

throughout the Regions, including livestock operations and improvements, solid, fluid and gaseous 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 for the accomplishment of the purposes of those 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 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 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 Located in The Regions.
 - 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 region to enjoy and engage in traditional uses and activities on their private property, consistent with controlling County zoning and land use laws.
 - Nor should those landowners and their guests or clients be denied the right of motorized access to their private property consistent with past uses of those private land parcels.
8. Manage the Regions so as to not Interfere With The Fiduciary Responsibility of the State School and Institutional Trust Lands Administration (“SITLA”) with Respect to Trust Lands Located in those Regions.
 - Scattered throughout the Region are sections of school and institutional trust land owned by the State of Utah and administered by SITLA in trust for the benefit of public schools and other institutions (“school trust lands”), as mandated in Utah’s Enabling Act and State Constitution.
 - As trustee, SITLA has a fiduciary responsibility to manage those school trust lands to generate maximum revenue 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 Millard County for Managing the Non-WSA Millard County Regions.
- 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 for multiple use-sustained yield management on public lands that are not wilderness or wilderness study areas. Nor is it Millard County's. A so-called "wilderness characteristics" management standard for the Regions is de facto wilderness management, now just by another name. It is incompatible with and would therefore frustrate and defeat the foregoing plans of Millard County for managing the Regions. Millard County has formally taken a position that only 138,606 acres of BLM land in Millard County should be designated as wilderness. Those acres are situated within current WSAs, not within the Non-WSA Millard County 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 delegation of authority. Agreement p. 9 & 17;
 - The 1999 Utah Wilderness Reinventory shall not be used to manage public lands "as if" they are or may become WSAs. Agreement p. 13 & 4;
 - DOI/BLM will not establish, manage "or otherwise treat" Post-603 Lands as WSAs or as wilderness pursuant to the Section 202 process absent congressional authorization. Agreement p. 14 & 7;
10. Imposing Any of The Area of Critical Environmental Concern ("ACEC") Designation Alternatives in Millard County Would Contradict Millard County's Plan for Managing the Regions.

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

- It is Millard 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 Millard County. See Utah Code § 63-38d-401(8) (c). And the foregoing summarizes the criteria of FLPMA.

11. Including any River Segment in the Regions in the National Wild and Scenic River System Would Violate the National Wild and Scenic Rivers Act and Related Regulations, Contradict the State’s Public Land Policy, and Contradict the Foregoing Plans of Millard County for Managing the Regions.

It is Millard County’s policy that no river segment in Millard County should be included in the National Wild and Scenic River System unless:

- Water is present and flowing at all times.
- The water-related value is considered outstandingly remarkable within a region of comparison consisting of one of three physiographic provinces of the state, and that the rationale and justification for the conclusion are disclosed.
- BLM fully disclaims in writing any interest in water rights with respect to the subject segment.
- It is clearly demonstrated that including a segment in the NWSR system will not

prevent, reduce, impair, or otherwise interfere with the state and its citizen's enjoyment of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or Millard County may be a party.

- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed.
- It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.
- It is clearly demonstrated that the proposed addition will not adversely impact the local economy, agricultural and industrial operations, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment.

The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code § 63-38d-401(8) (a), as well as the criteria of Millard County.

- There is no part of the Sevier River or any other waterways in the Regions that meets the above criteria. Hence, no river segment in the Regions should be included in the National Wild and Scenic River system.
- Nothing said herein or elsewhere by Millard County or its representatives is to be taken or intended as acknowledging or otherwise accepting that the WSR is a legitimate act pursuant to the authority of Congress as delegated by the States under the U.S. Constitution.

12. A Visual Resource Management Class I or II Rating for Any Part of the Regions Would Contradict the State's Public Land Policy and Contradict Millard County's Plan for Managing the Non-WSA Millard County Regions.

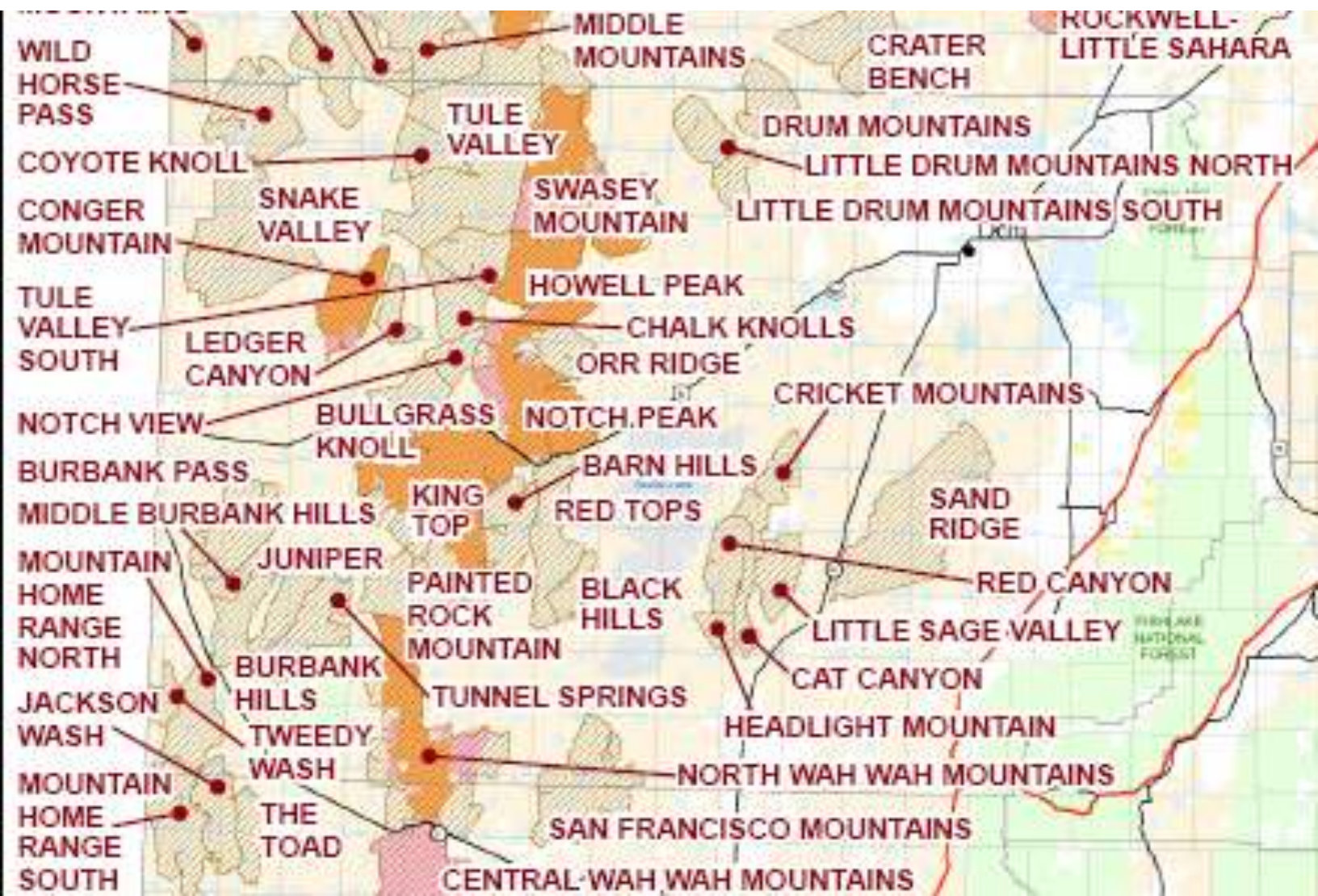
- The objective of BLM Class I Visual Resource Management is not compatible with, and would therefore frustrate and interfere with Millard County's foregoing plan clarification for the Regions.
- The objective of BLM Class II Visual Resource Management is generally not compatible with, and would therefore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

13. 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 Millard County Commissioners.

- Lands within Millard County considered for any special designation and the impacts of the National Historic Preservation Act are an issue of concern for Millard County.
 - Millard 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 citizens, 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 Millard 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 oil and gas development, is also a matter of concern to Millard County.
14. Federal Acquisition of Private Lands is Contrary to Policies and Plans of Millard County and the *Millard County General Plan*.
- Millard 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 or purchase, County participation and local public input are essential.

Attachment B



Citizens Proposal for Wilderness in Millard County
Source: <http://www.protectwildutah.org/proposal/index.html>