

# 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 "MCSRUPL."

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 Wetzal, 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	Sam Starley, Mayor of Fillmore
Bryan Thiriot, Senator Bennett's Ofc.	Peggy Harrison, Congressman Canon's Ofc.
Marreen Casper, Senator Hatch's Ofc.	Russell Cowley, SCAOG
Leon Smith, County Planner	Lisa Reid, BLM
John Harja, Dept of Natural Resources	Derk Beckstrand, USA All
Sherry K. Hirst, BLM	Terry McIntyre, Graymont
Jamie Gillmor, Wool Growers Assn.	John Keeler, Farm Bureau
Ken Martin, Fillmore City Council	Kathy Walker, Commissioner
Jody Gale, USU Extension - Richfield	Abner B. Johnson, Fillmore Resident
Bob Gardner, US Forest Service	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.



<b>CONGER MOUNTAIN</b>	
Located in	- T17S, R16W - T18S, R 16W - T16S, R17W
BLM WSA	21,680 acres
BLM Recommended	0 acres
<b>Millard County Position</b>	<b>12,409 acres</b>
<b>Elevation:</b>	8,070 feet
<b>Location:</b>	western Millard County 50 miles west of Delta
<b>Air Quality Standard:</b>	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.<sup>2</sup>
- (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, 19W
- 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.<sup>1</sup> 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

#### 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

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<sup>1</sup> 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.

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 Lands<sup>2</sup> 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.

- 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).

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

- 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.

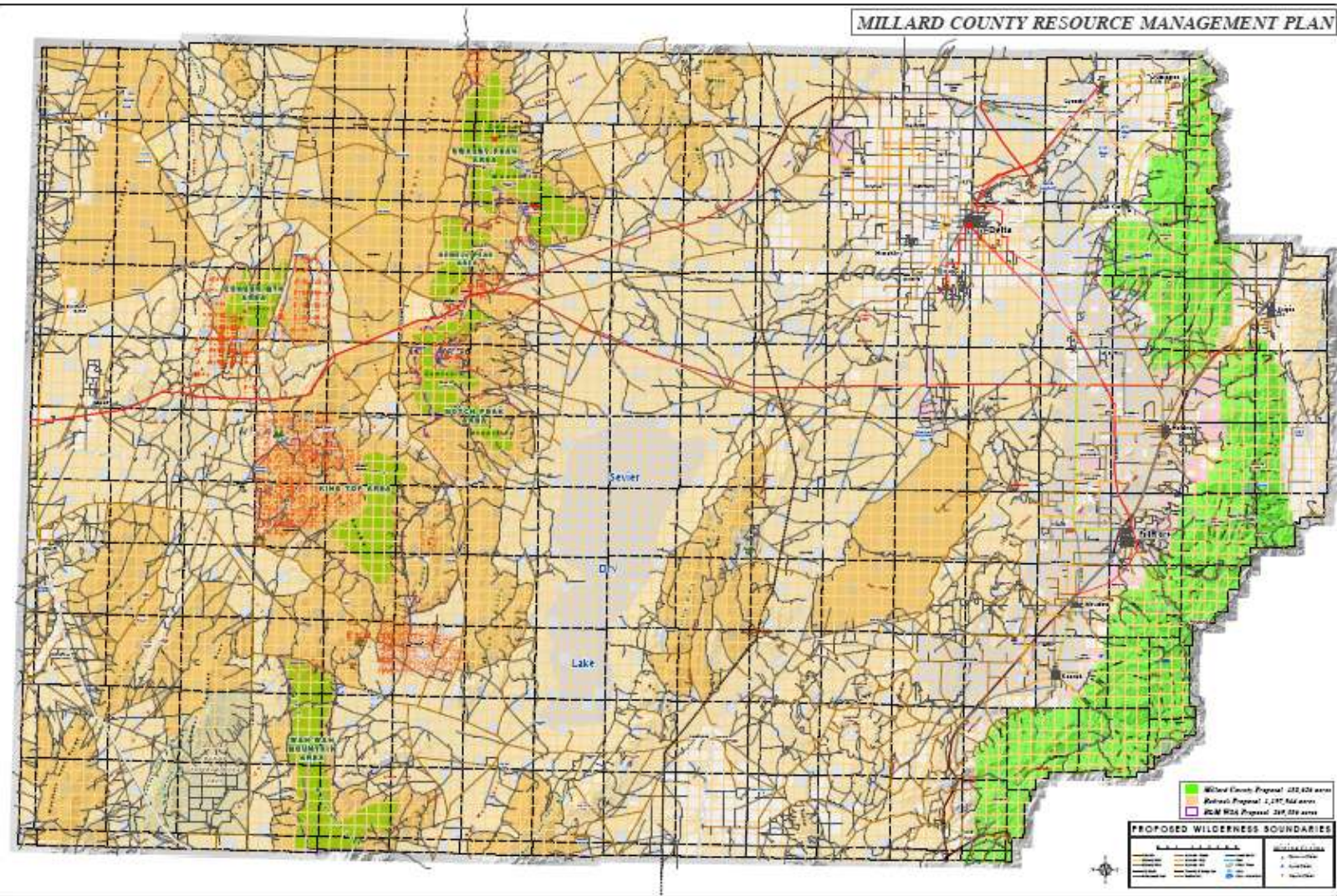
- The objective of BLM Class I Visual Resource Management is not compatible with, and would therefore frustrate and interfere with Millard County's foregoing plan clarification for the Regions.
- The objective of BLM Class II Visual Resource Management is generally not compatible with, and would therefore 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 of purchase, County participation and local public input are essential.

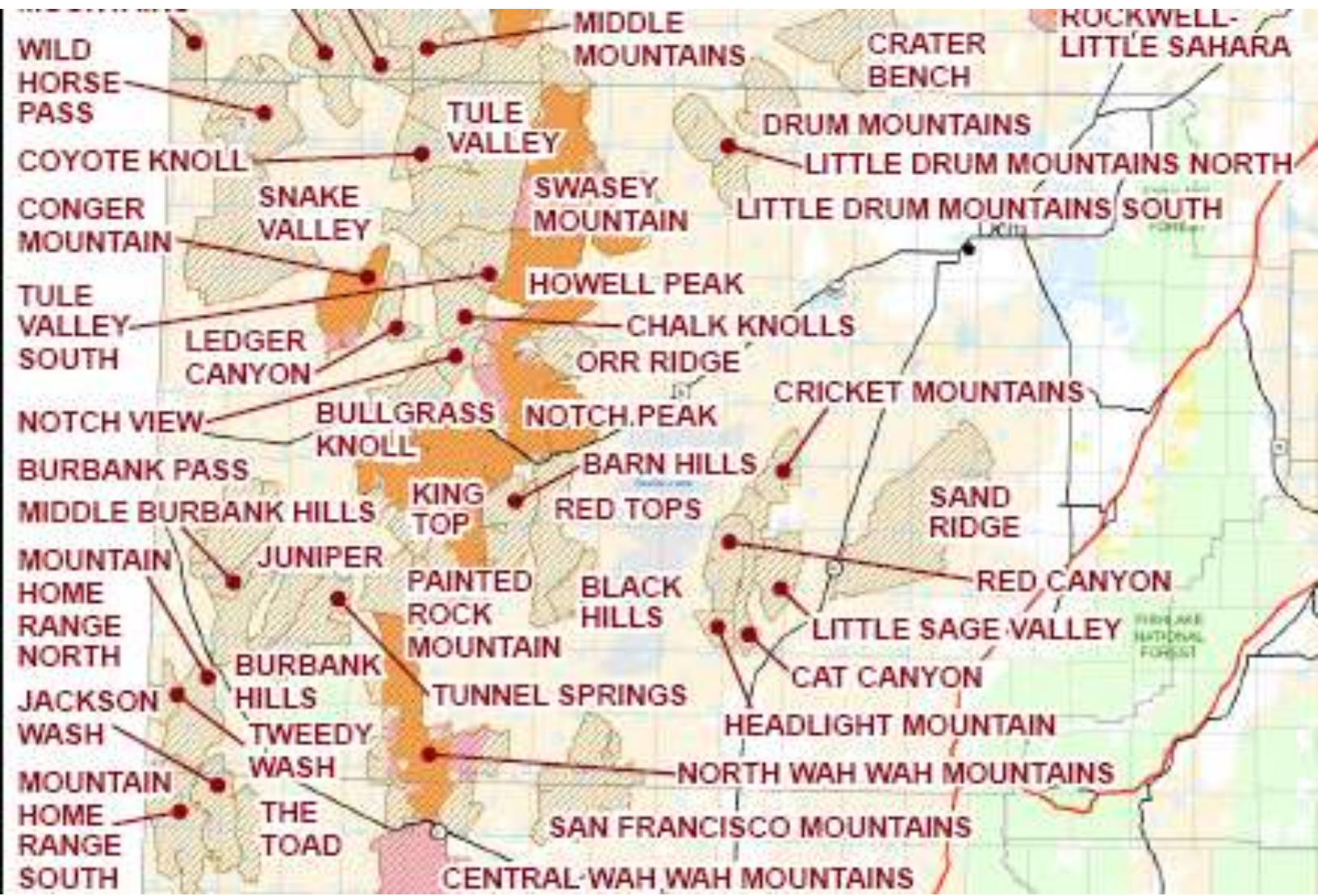


Attachment A



Millard County Wilderness Plan 2003 – Map  
 Source: Millard County GIS Department

Attachment B



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