

LimestoneCliffs

A RECOMMENDED PROPOSAL FOR AMENDING THE PUBLIC LANDS SECTION OF THE EMERY COUNTY GENERAL PLAN TO CLARIFY LONGSTANDING POLICIES FOR THAT GEOGRAPHIC REGION OF EMERY COUNTY DESCRIBED BELOW AND HEREINAFTER REFERRED TO AS THE “LIMESTONE CLIFFS REGION.”

WHEREAS, Emery County has a general plan adopted pursuant to Utah Code containing policies for the appropriate use of private and public land within the county; and

WHEREAS, Emery County desires to supplement its general plan to clarify long-standing policies specific to certain geographic regions of the county as the need arises; and

WHEREAS, the Emery County Public Lands Department has recommended certain amendments associated with lands in the Limestone Cliffs region of the county; and

WHEREAS, the Emery County Planning Commission has reviewed and concurs with the recommendation of the Public Land Use Committee;

NOW, THEREFORE, THE EMERY COUNTY PLANNING COMMISSION PROPOSES THAT THE EMERY COUNTY GENERAL PLAN BE AMENDED BY INSERTING THE FOLLOWING AT THE END OF THE PUBLIC LANDS SECTION OF THAT PLAN:

CLARIFICATION OF EMERY COUNTY'S ONGOING PLAN FOR MANAGING CERTAIN LANDS IN THE LIMESTONE CLIFFS REGION OF THE COUNTY

SECTION 1. Subject Lands.

This plan clarification applies to those certain areas of land in Southwestern Emery County which the United States Bureau of Land Management ("BLM") in its so-called 1999 Wilderness Inventory Report purported to label as follows:

- Limestone Cliffs, located in:

T24S R6E
Sections 18, 19, 30, and 31.

T25S R6E
Section 6.

This plan clarification also applies to all other areas of land located in any townships and ranges of Southwestern Emery County, 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 Book Cliffs Region, according to the map thereof set forth in the UWC internet web site, address [http://www.protectwildutah.org/proposal /index](http://www.protectwildutah.org/proposal/index), as it exists on April 15, 2007, including the following areas labeled as follows in the Book Cliffs Region portion of the said UWC internet web site:

- Limestone Cliffs, located in parts of:

T24S R6E
Sections 18, 19, 30, and 31.

T25S R6E
Section 6.

For purposes of this plan clarification, all of the above-described lands are collectively referred to herein as the "Limestone Cliffs Region," and are illustrated more fully in the official map attached hereto. Any reference hereafter to the term "Limestone Cliffs Region" shall refer to any and all of the above-described land areas.

SECTION 2. Clarification of Ongoing Plan.

It is Emery County's intent and purpose to clarify the public land use policies within the Emery County General Plan to include this supplement pertaining to the Limestone Cliffs Region. These policies are intended to supplement the general plan policies that apply county-wide. Emery County declares its plan for the subject region to be as follows:

SECTION 3. **Achieve and Maintain A Continuing Yield of Mineral Resources In The Limestone Cliffs Region At The Highest Reasonably Sustainable Levels.**

- Development of the solid, fluid and gaseous mineral resources in the Limestone Cliffs Region is an important part of the economy of Emery County.
- Emery County recognizes that it is technically feasible to access mineral and energy resources while preserving non-mineral and non-energy resources.
- All available solid, fluid and gaseous mineral resources in the Limestone Cliffs Region should be seriously considered for development.
- Lands shown to have reasonable mineral potential in the Limestone Cliffs Region should be open to oil and gas leasing with 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 should be prohibited.
- Any previous lease restrictions in the Limestone Cliffs Region 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, where directional drilling is 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 Limestone Cliffs Region should be carefully evaluated for removal.

SECTION 4. **Achieve and Maintain Livestock Grazing in The Limestone Cliffs Region At The Highest Reasonably Sustainable Levels.**

- Domestic livestock forage in the Limestone Cliffs Region, 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 Limestone Cliffs Region, based on an on-the-ground and scientific analysis.
- It is Emery County’s plan that animal unit months in the Limestone Cliffs Region not be relinquished or retired in favor of conservation, wildlife and other uses.
- Emery County recognizes that from time to time a bona fide livestock permittee in the Limestone Cliffs Region, 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.
- BLM imposed suspensions of use or other reductions in domestic livestock animal unit months in the Limestone Cliffs Region 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 Emery 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 Limestone Cliffs Region due to rangeland health concerns should be restored to livestock when rangeland conditions improve, not converted to wildlife use.

SECTION 5. **Manage the Watershed in The Limestone Cliffs Region to Achieve and Maintain Water Resources At The Highest Reasonably Sustainable Levels.**

- All water resources that derive in the Limestone Cliffs Region 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, Emery County has a legitimate interest in seeing that all reasonable steps are taken to preserve, maintain and where reasonable develop those water resources.

- With increased demands on water resources brought on by population increases in the Colorado River drainage area, and with recent drier precipitation trends which call into question in the minds of some whether the climate of the Colorado River drainage area is changing, it is important now more than ever that management practices be employed in the Limestone Cliffs Region to restore, maintain and maximize water resources there. This includes restoration, maintenance and enhancement of the watershed in the Limestone Cliffs Region.
- Where water resources in the Limestone Cliffs Region have diminished because once-existing grasses or other species have succeeded to tamarisk, Russian olive or other invasive species, 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. Management of Pinion and Juniper species should use the best possible science, but as a rule, mechanical treatments are acceptable as a means of improving the watershed and grazing opportunities.
- Emery County's strategy and plan for protecting the Limestone Cliffs Region watershed is to deter unauthorized cross-country OHV use in the Limestone Cliffs Region. The best way to achieve this is to give OHV users a reasonable system of trails in the Limestone Cliffs Region on which to legitimately operate their OHVs. Closing the Limestone Cliffs Region to all OHV use will only spur increased unauthorized cross-country OHV use to the detriment of the Limestone Cliffs Region watershed.
- Accordingly, all trails in the Limestone Cliffs Region which have been designated open to OHV use in Alternative D, Final Price Resource Management Plan should remain open.

SECTION 6. **Achieve and Maintain Traditional Access to Outdoor Recreational Opportunities Available in The Limestone Cliffs Region.**

- Traditionally, citizens of Emery County and visitors have enjoyed many forms of outdoor recreation in the Limestone Cliffs Region, such as hunting, hiking, family and group parties, family and group campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering, parking their RV, or sightseeing in their personal vehicles.
- Public land outdoor recreational access in the Limestone Cliffs Region should not discriminate in favor of one particular mode of recreation to the exclusion of others. Traditionally, outdoor recreational opportunities in the Limestone Cliffs Region have

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 therefrom, by making them available for sale and private development, and for other multiple use consumptive 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 Limestone Cliffs Region 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 SITLA’s fiduciary responsibilities.

SECTION 11. Managing Part or All of The Limestone Cliffs Region For So-Called Wilderness Characteristics Would Violate FLPMA, Contradict The State’s Public Land Policy and Contradict The Foregoing Plans of Emery County For Managing The Limestone Cliffs Region.

- As Utah Code § 63-38d-401(6)(b) indicates, managing the Limestone Cliffs Region 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 Emery County’s. A so-called “wilderness characteristics” management standard for the Limestone Cliffs Region is de facto wilderness management by another name. It is incompatible with and would therefore frustrate and defeat the foregoing plans of Emery County for managing the Limestone Cliffs Region. The Public Lands Section of Emery County General Plan, as well as written communications by Emery County to BLM, specify that additional wilderness designation shall be opposed.
- A so-called “wilderness characteristics” management standard for the Limestone Cliffs Region also violates FLPMA and the 2003 Settlement Agreement between Utah and Department of Interior.
- Managing Post-603 Lands¹ pursuant to the Interim Management Policy of 1979 (“IMP”) is inconsistent with BLM authority. Agreement p. 6 & 13.a;

¹ As that term is defined in the *Utah v. Norton* settlement agreement of April 11, 2003.

- 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;
- DOI/BLM will remove from the proposed revised resource management plans in the Vernal, Price, Richfield, Monticello and Moab Districts any and all references or plans to classify or manage Post-603 BLM lands “*as if*” they are or may become WSAs. Agreement p. 14 & 7.

SECTION 12. NA There are no ACECs proposed within the Limestone Cliffs Region.

SECTION 13. There are no river segments nominated for Wild and Scenic River designation within the Limestone Cliffs Region

SECTION 14. **A Visual Resource Management Class I or II Rating for Any Part of the Limestone Cliffs Region Would Contradict the State’s Public Land Policy and Contradict Emery County’s Plan For Managing the Limestone Cliffs Region.**

- The objective of BLM Class I Visual Resource Management is not compatible with, and would therefore frustrate and interfere with, Emery County’s foregoing plan clarification for the Limestone Cliffs Region.
- The objective of BLM Class II Visual Resource Management is generally not compatible with, and would therefore frustrate and interfere with, Emery County’s foregoing plan clarification for the Limestone Cliffs Region.
- Emery County’s foregoing plan clarification for the Limestone Cliffs Region is generally consistent with either Class III or Class IV, depending on the precise area.