

Southwest Planning Authorities Council (SUPAC) Minutes

November 9, 2010

Grand Staircase National Monument Headquarters, Kanab

Morning Field Trip—9:00 a.m. to Noon

The group toured the Grand Staircase-Escalante National Monument resource management projects with GSENM resource specialists and learned about top and scatter projects, stewardship activities, revegetation on a wildfire burn, and restoration work in the Buckskin Mountain and Five Mile Sagebrush areas on the southern side of the Monument.

1. **Welcome & Introductions** – Brian Cottam welcomed everyone and introductions were made. Wes was called to Baltimore on other business.
2. **2011 Meeting Schedule** – It was decided that the 2nd Tuesday every other month works best for the group as a whole. Brian will follow-up with a schedule of meetings for 2011.
3. **The RS 2477 Controversy: Comparing two models for resolving road claims in Southern Utah.** Mark Ward is the Senior Policy Analyst for Utah Association of Counties. Mark explained that UAC has 29 masters (counties). There are three commissioners from each of those counties who may support different policies. UAC must support policies for each county. They wear many different hats. Prior to working for UAC, Mark did general litigation for the State of Utah working out of the Utah Attorney General's Office. Mark was hired by UAC to work on their policies for counties. Things have evolved in resolving RS2477 road issues and it appears that the traditional method is most likely what will work and it is how Kane County has gone, within the court system. An alternative method is being used by Iron County. Basically every county road that Iron County claims is travelable, who holds the title, and the responsibility for maintenance, rights of way, etc. The USGS 1976 minute topographic maps grandfathered in RS2477 roads. Cartographers went through Iron County and documented the public roads back then. Not perfectly, but credible and honest. If a county were willing to let the chips fall where they may, would that be an inducement for the BLM and other advocacy groups to come together to accept the roads mapped by USGS prior to 76. Roughly 2100 linear miles of roads on BLM land are within the county and fall within the USGS 1976 maps for RS2477. USGS used due diligence to prove the roads that fall within the maps. The question on the table is, if we could quiet title the roads falling within that time frame, would the county be willing to give up the roads that do not? Mark presented a map used by Iron County and the BLM. The dark colored roads are not showing up on the USGS and represent approximately 12% (a subset of 30-50 linear miles, some of which the County believes they will take a Title 5 permit to continue public access). 88% do show up and Senator Bennett pitched the proposal to the undersecretary – Director Abby showed interest in this – How do we perfect roads to be confirmed and those that won't be? Through a recordable statutory disclaimer (or quiet claim) to the state/county. The director took pressure from an environmental interest group and so they will have to go about it through another vehicle. A tool that will work better is a friendly quiet title lawsuit – one side would enter judgment and there would be a judgment entered into the court. On November 5th they had a meeting with BLM, Iron County, UAC, DOI, Ted Wilson, Iron Co Commissioners and various officials – SUWA and the Wilderness Society attended along with local cattle grazers and organizations in the county. The Paiute Tribe and the ATV Riders Association were also there along with a local sportsmen group – Idea was to put together all the different constituents and they will vet the proposal contingent on the Title 5 and the RS2477 friendly title lawsuit. There are a number of lawsuits in the counties of Kane and others -

This new process could go all the way to fruition. The meeting was held at SUU and the county is carefully reviewing with the grazers and permittees to make sure the roads are actually accounted for in full. They will be doing this with ATV riders and hunters as well. Kevin Carter asked if it does go to fruition does the county have the option to do road work or would they have to get permission from BLM. The law is referred to the McConnell decision that the RS2477 right holder has the right to perform maintenance and work on the road without asking for permission. However, road improvements such as widening, cuts and fills, traffic increases - - the right holder will consult with the federal agency – if they don't agree - - then they go to court over the improvement. Resolution is based on the improvement being reasonable and necessary. A title 5 is a permit and is not ownership and is subject to revocation by a future administration. It's not enough to induce the county to give up the roads in the 12% black colored roads. Quiet title is irrevocable. Title 5 is not. Alma Adams said this is very exciting for Iron County – the meeting the other day was historic and there was a feeling that they could make this happen. Majority of claims could be taken care of with common sense. It's an amazing process and he hopes he's not being "Pollyannaish" to think that common sense and logic would win out.

4. **Arizona Strip District: BLM Planning and Projects Update** – Scott Florence, Arizona Strip District Manager distributed a strategic goals framework for Arizona. The National landscape has 3,000,000 acres on Grand Canyon-Parashant and Vermillion Cliffs National Monuments and all the land in between. Three Resource Management Plans (RMPs) were completed for the entire district in 2008 (for the Grand Canyon-Parashant and Vermillion Cliffs National Monuments, and Arizona Strip Field Office). Kane and Washington Counties were cooperating agencies in the preparation of the RMPs. The Center for Biological Diversity (CBD) filed a lawsuit in 2009 on all 3 plans plus the biological opinion from the U.S. Fish and Wildlife Service on which the plans were based. Earth Justice on behalf of The Wilderness Society et al filed a lawsuit in 2009 that is specific to the two national monument plans. After settlement discussions failed, plaintiffs recently filed motions for summary judgment in both cases. Parashant was in January and Vermillion Cliffs was designated in November 2000. This weekend they will celebrate Vermillion Cliffs NM 10th year anniversary in Page, AZ. Travel management networks were designated for both national monuments as part of the RMPs. The Arizona Strip Field Office is beginning a draft travel management plan/Environmental Assessment which will go out for public comment next year (this will designate routes in the field office). On July 21, 2009 the Department of the Interior published a notice of the Secretary's proposed withdrawal and two-year segregation of approximately one million acres of BLM and Forest Service lands in the vicinity of the Grand Canyon. This started a two year process to study and analyze the impacts of uranium mining in the region. An Environmental Impact Statement (EIS) was initiated in August 2009. Various studies were also undertaken to use the best available science in support of the Secretary's eventual decision. The U.S. Geological Survey published a peer-reviewed investigation of breccias pipe uranium deposits in February 2010. The BLM was designated the lead agency and working with 15 other cooperating agencies (including Kane and Washington Counties) has produced a Draft EIS which is awaiting Departmental approval to print and release for public comment. Four public meetings will be held in Phoenix, Flagstaff, Fredonia and Salt Lake City during the comment period. The Draft EIS will outline 4 alternatives: the proposed withdrawal, two partial withdrawals (approximately 700,000 and 300,000 acres each) and the No Action (no withdrawal) alternative. The Final EIS is due out late next year and will identify the Secretary's preferred alternative. EIS was done for the Arizona Strip lands and they have held meetings in various areas for the public comment period. USGS reports on resource. The withdrawal EIS Arizona State Lands only applies to federal minerals. What is the socio-economic impact from the withdrawal? SWCA did the environmental

impact statement and one of them is the socio-economic impact which covers Southern Utah and northern Arizona.

5. Round Table Updates

Kevin Carter SITLA announced the groundbreaking for the First Wind project 2nd phase and it is on SITLA land; and there has been a significant change in the state legislature Alma Adams said there are two new commissioners – Dale Brinkerhoff and Dan Webster. Prairie dog habitat exchange is coming to fruition; 2 easements are being giving for solar project and are moving forward. Construction will probably begin in spring. Also – the mine has shipped iron ore to China.

Al Hendricks superintendent of Capitol Reef – The visitation is up quite a bit. The new Administration building is being built after 27 years. Scenic drive is 8 miles long and was chip sealed 25 years ago. Resurfacing will take place where it's busier this winter. Two years ago they opened a field station at the park what used to be sleeping dude ranch and it was acquired by the park and has converted it to an educational institution and is operated through UVU held classes there and if SUU wants to hold classes there they may inquire. A little problem with water – 750 foot well was drilled and now they are back to treating the 22 foot well which requires treatment.

Jock reported that the road updates are done and are being checking off. They worked at night to get it done. Zion has tied with their record visitation for the past years. They will chip seal next year. Striping will be done if we get good weather better than state highway 9. Fall colors are peaking. They finished footsteps and brought in 27 artists from around the world. \$56,000 worth of paintings was sold. Angel Landing project is finished to try to keep people safe. Planning for wild and scenic river designation and they are currently working with the communities. Public comment period is open until the 6th.

Kevin Williams is working on the Prairie dog easements. Selling credits to developers. Also working on Cooperative Weed Management Area with Washington County – He invited NPS to assist with a 5 year plan for the CWMA. Kevin said that Commissioner Benny Drake with Washington County is the main driver. They are also working on a playground grant for Minersville and a grant for interpretation signage from Panguitch to Parowan.

Ron Wilson said that the fire season was uneventful for this year. The Twitchell fire was the only one to speak of. Heavy smoke was the only complaint. They have an 8 person conservation crew working along Virgin River for planting willows after the tamarisks were removed. The willow flycatchers are coming back now that they have planted the willows. UFFSL will also get money for the SUU Mtn. Center to match last time for about \$30,000.

Marreen Casper – In August, Senator Hatch came down Highway 89 with the intention of going through the tunnel and Senator Hatch was driven through by Jock's people. He wanted to thank everyone for accommodating him. Jason Johnson is going to Adobe and Michael Kennedy will be Senator Hatch's chief of staff. Army Corps of Engineers is reviewing a permit and should have been renewed in May 2009 He has put in immigration legislation to enforce what is already law.

Mike Empey said they will be discussing tax resolution extended. In 2006, the Army Corps of Engineers in 2006 was given limited jurisdiction, but they believe they expanded their authority. Senator and the Congressman have written letters regarding the continued permit in St. George.

Mark Habbeshaw introduced Dirk Clayson as the new Kane county commissioner. Jim Matson was also elected.

Larry Crutchfield stated that Tropic to Hatch road line will be done by December. Using ARRA funds the UDOT project at Big Water was done and the picnic area is also completed. There are jobs open on USAJOBS.com

Brian Cottam reported that SUU has done work with BLM and Iron County on RS2477 and conversations are going on with the management authority of Three Peaks. A demonstration forest plan has been signed and we have treatment stands that the SUU Mountain Center Advisory Council will be making a decision in the future. The end of next summer should show some really good forest treatments. Frontier Homestead State Park has wanted period costumes for their events. SUU Performing and Visual Arts department is doing the sewing of period costumes for the park. USU LAEP, headed by Dave Bell, will be doing a Charrette planning for Cedar City and Coal Creek envisioning what it can be. Brian said these are just examples of the things SUU Government Relations and Regional Services can do for our partners.

Ron Wilson announced that the 237th Birthday of USMC was coming up on November 19th

6. Other Business – There was no other business
7. Next Meeting – St. George on January 11th.

APPENDIX "A"
Attendees

Kevin Carter, SITLA
Brian Cottam, SUU Govt. Relations & Regional Services
Mark Ward, Utah Assn. of Counties
Mike Archer, NPS
Al Hendricks, NPS
Scott Florence, BLM
Jock Whitworth, NPS
Bill Cox, NPS
Kevin Williams, NRCS
Ron Wilson, UFFSL
Marreen Casper, Sen. Hatch's Office
Mike Empey, Congressman Matheson's Office
Larry Crutchfield, BLM
Mark Habbeshaw, former Kane County Commissioner
Dirk Clayson, Kane County Commissioner
Gary Bezzant DWS
Utah State Representative Mike Noel
Alma Adams, Iron County Commissioner
GSENM Staff members