

**SOUTHWEST UTAH PLANNING AUTHORITIES
COUNCIL (SUPAC)
Minutes of a meeting held May 6, 2003**

1. The Southwest Utah Planning Authorities Council (SUPAC) met at the Five County Association of Governments Building in St. George, Utah, on Tuesday, May 6, 2003, at 1:00 p.m. Those in attendance at the business meeting are listed on the rosters attached as Appendix A to these minutes.
2. Vice Chairman Scott Truman called the meeting to order and welcomed those present.
3. All those present introduced themselves.
4. Scott Truman asked John Williams to give a little history of SUPAC and its purposes for the benefit of some of the new people present.
5. The minutes of the meeting of March 2003 were reviewed by the council after which Ken Lawson moved for their approval. Jeannine Holt seconded the motion and all voted aye.
6. Scott Truman indicated that Rep. Steve Urquhart needed to be moved up on the agenda so that he could leave to attend another meeting. Claire Ramsey made a motion to move that agenda item up on the agenda. Alan Gardner seconded the motion and all voted aye.
7. Rep. Steve Urquhart gave a presentation on the Apple Report which relates to public lands impact on education. Steve explained that an enormous chunk of the State's budget goes to public education; however we are near the bottom of the States in per child funding. Some of the legislators discussed this and felt like public lands play an important part in this. The State is not getting taxes off of their public lands. Speaker Marty Stephens checked to see if other western states had similar situations. Nearly every western state is in the bottom half of the states in their *per pupil* spending (except Idaho). He showed a chart of the percentage change in expenditures per pupil from 1979-1998. It showed that the western states have had smaller increases. He also showed a chart of federal land ownership in the west. The western states (especially Nevada, Utah, Idaho and Oregon) had the highest percentage of federal land ownership. That gives the eastern states a much higher property tax base because of their amount of private lands as compared to our large amount of federal land ownership. He explained how this impacts the western states.

When Utah became a state we were given school trust lands (four sections out of every township). We were also given the promise that 5% of all proceeds when school trust lands were sold would come back to the state. We are now exploding in growth and if we could sell off these lands we could make some good money. This is what the Apple Initiative is about – telling Congress if they are not going to sell off public lands then the historic agreement has been breached so money needs to come to the State as if those lands were being sold. The Federal Government is hurting us as a State by keeping those lands.

Steve also showed a chart of the summary of estimated impacts on western states that have the 5% proceeds promise. If you were to value the lands at \$536 an acre, the proceeds would be \$14 billion and ongoing revenue of \$421,894,411. Property taxes would be \$4,157,803,825. The natural resource royalty revenue would be \$1,861,383,821. Utah's cut would be around \$300 million dollars, which is more than 10%.

Steve indicated their purpose is to try and increase federal awareness of this problem. They have met with the Department of Interior, White House staff, our state's delegation and other western states.

APPLE stands for Action Plan for Public Plans and Education. Five western states have now passed a resolution regarding this and at least three more are working on it. There should be 11 western states in support of this pretty soon. They have many other agencies on board with them on this such as SITLA and the PTA.

Steve asked anyone to call him at (435)-628-7777 with suggestions, questions or problems regarding these ideas.

8. The next item on the agenda was a status report on RS2477 and public lands status. Mark Ward from the Attorney General's office who works on public land issues and Val Payne who works on public lands issues for the State both gave presentations.

Mark Ward reported that the week of April 7-11 was a landmark week of great cooperation between the State and the Department of Interior. Two agreements were produced. One is a settlement agreement and the other is an MOU regarding RS 2477. The settlement agreement settled the long standing litigation over the policies of the Clinton administration to establish administrative lands that were treated as wilderness without congressional approval. The MOU provides a procedural framework for the state and counties to approach DOI and apply for a Recordable Disclaimer of Interest (RDI) and provided a means by which the state could bring some, but not all, of its RS2477 claims to the table and that the state and the DOI could, in a collaborative process, examine roads which theoretically are beyond dispute. The idea is to take all roads that are fairly obvious and submit them for RDI's and get them out of the way and leave the other more complicated ones for later discussion. The MOU is an optional process. There are still other means that counties can perfect their claims under RS 2477 - but this

is an optional extra way for counties and states to come together and clear off and agree on those roads that everybody agrees on. It remains for the state and each county to finalize their selection process and decide if they want to participate in the MOU process.

The other agreement was the settlement agreement. There have many hours of discussion and negotiation with the Solicitors office of the DOI to reach this agreement. With this agreement the 2001 Wilderness handbook and related handbooks, bulletins, policies, etc. are rescinded and the non-impairment mandate does not apply to anything but wilderness study areas that were recommended by President Clinton. Management of everything else reverts back to current land use management plans. The Secretary also recognized in the agreement that the Babbitt 1990 inventory will not be used for the purpose of classifying lands as wilderness or not wilderness. The Section 202 process cannot be used to manage or tract or handle BLM lands as if they are or may become a WSA. The agreement also expressly provides that BLM can employ all the different provisions and management features provided in FLPMA. This administration has decided the rule of law (FLPMA) and the exclusive power of Congress to decide what is and isn't wilderness will be honored. He told the council that this is not anti-wilderness. The purpose of this agreement is to say that the WSA process is not dead but it must take place legislatively as it was intended to. He said he applauds the Bush administration and Secretary Gail Norton for correcting this course.

9. Val Payne from the Division of Natural Resources spoke next and discussed the public lands of DNR. They represent the interests of the citizens of the State of Utah in developing public land and natural resource policy that infuses multiple use into public land decisions. He reviewed the status of resource management plans throughout the state and the state's participation in planning efforts. The state is doing it as a cooperating agency having signed an MOU with State BLM office which establishes the state as a cooperating agency. This opportunity was actually established when NEPA was passed in 1969. He gave a brief review of the history of NEPA.

There was a lengthy discussion regarding cooperating agency status between counties and AOG and their involvement in various planning processes.

A 10 MINUTE BREAK WAS TAKEN

10. Henry Maddux of USFWS gave a status report on the Condor. He said he had recently talked to Bruce Palmer who is the California Condor recovery coordinator. There have been some ups and downs in the program this last year but they do feel it is on schedule and meeting the expectations. As far as the releases of the condor they have implemented a new release strategy. They observe the behavior of the birds and those that appear ready as far as feeding, roosting, etc. they release and then hold the others back until they are ready. In 2003 six were released at one time and then three were released in the fall. In March of this year they released three condors and have five still in holding cages. One of the 2002 releases died from perching too close to the ground. They are seeing some improvement in behavior.

Last year two pairs of condors from Vermillion Cliffs tried to breed. They each produced eggs but both attempts were unsuccessful. This year they are again breeding right now and they should know any day whether these breeding attempts were successful.

Their general pattern is spending the mid winter around Vermillion Cliffs and then in the spring moving to the Grand Canyon and scattering out in the fall. They do come into Utah by Zion National Park and in Cedar City. There were four up in Zion National Park in April. One condor died this last year. The big problem is still lead poisoning. There were two condors shot during the 2002 hunting season.

There are 196 condors – 53 birds were released in Vermillion Cliffs, 22 have died and 3 returned to captivity.

As far as the 10J experimental non-essential designation, their intent was to publish notice in May. However, due to budget shortages, they may not do it now.

10. Ron Thompson, Washington County Water Conservancy District, gave a status report on drought conditions. This is our 5th year of drought and it will be touch and go for the communities this summer. We are seeing river flows lower than what we have normally experienced and we don't have back up storage either this year. The water district has told the two biggest irrigation companies not to plan on water this year. As part of the water right settlement with the Shivwits three new wells on Gunlock will be coming on line, which will help. The regional pipeline will help but won't be done in time for this year. Ron reminded everyone that we need to be water wise and be aware of water user. The last few rain showers have helped even though they were not very big.

Ron reported that the repairs were done at Quail Creek Reservoir and they have been putting in as much water as possible.

11. Gordon Topham gave a report on the recreation at Sand Hollow Reservoir. He showed a slide presentation regarding this. The water district approached the Division of Parks and Recreation about managing the recreation at Sand Hollow. It is a cooperative effort between State Parks, the water district, and BLM. They organized a citizen planning team and the team created a recreation package which identified appropriate uses and needed facilities. Gordon said they feel there is more opportunities for recreation here than any other park in the state system. Gordon showed slides with locations of the various facilities including the boat launch and parking lot which are already in. Other facilities which are not yet in are the entrance facility and administrative site, maintenance facility and boat storage, full hookup campground, OHV training area and classroom, day use beach facilities, group use area for church groups family reunions, etc., equestrian unloading facilities OHV day use facility, OHV campground, concession area, sand mountain riding area and dunes area, proposed 4x4 trials area and proposed motorcycle trials area.

The estimated cost is about \$7 million dollars of which the water district will contribute \$ 2.3 million, state parks \$2.3 million and BLM \$2.3 million over three years. The operational costs (beginning at \$200,000 a year and going up to \$400,000 a year) will be from revenue collected at Sand Hollow, boating and OHV funds and from general funds.

Gordon told the council that the project was dedicated on April 18, 2003. The economic impact is estimated to be 3.4 million dollars annually and 77 jobs within five years.

12. The next item on the agenda was brief congressional reports. Quinn Warnick from Senator Bennett's office reported that the Rural Business Technology Conference will be May 28 and 29. He distributed brochures regarding the conference. He said Senator Bennet continues to work on the Highway 89 bill and the Sand Hollow bill. Their office is always open to suggestions and comments. Jeannine Holt reported that Senator Hatch had a successful seniors conference yesterday in Salt Lake City with Larry King as the keynote speaker. There will be a senior conference in the five county area in November. Peggy from Congressman Cannon's office reported that the Western Caucus is supporting HR 1835 to amend the Endangered Species Act (ESA). They are also working on HR 1662 which amends the ESA to require the Secretary of Interior to give greater weight to scientific data and HR 1904 which is the Healthy Forest Restoration Act of 2003. This gives the Secretary of Agriculture and Secretary of Interior more capability to conduct hazardous fuel reduction.
13. Scott Truman asked for reports from any other council members. Mayor Lawson from Kanab indicated that Congressman Bishop came down to speak at their Republican County Convention and they met with him afterwards concerning Kane County land issues and various issues involving the BLM. He was very supportive of their efforts.

Commissioner Alan Gardner said that Washington County has had groundbreaking for new Senior Citizens Center for Washington County.

Bruce Barrett, Bureau of Reclamation, reported that they got a three month drought forecast yesterday. It indicates that Utah, Arizona and part of New Mexico will remain in drought. He also said that the warm winds few weeks ago took a lot of the snowpack.

Randy Trujillo, BLM, is the acting field manager for Cedar City BLM. Jerry Meredith has gone to Montana as the associate director. He also reported that the BLM will be working on lots of different areas as far as hazardous fuel reduction. Also doing major reconstruction on road at Bryce Park. Shuttle will start there on May 16.

Ron Wilson, U.S. Forest Service, reported that they are about ready to sign Record of Decision. It has taken four years to get through this process. He also explained some of the other projects they are working on in the Duck Creek area and he explained what areas they are removing dead Spruce from.

Ron Wilson also reported on the Topical Advisory Group (TAG) on OHV's. In regard to the High Desert Trail Proposal they have a draft of an MOU that is going out to all agencies and everyone involved. They would like everyone to review it and make comments and get them back to Kathleen in Scott Truman's office. They would like those comments by June 6 and they can be sent via e-mail.

Vane Campbell, Natural Resource Conservation Service, talked about cost sharing through the EQUIP program of about \$350,000 in the five county area for improvements on private land. The State also set aside a million dollars to work on combined animal feeding operations.

14. The next meeting of SUPAC will be July 1, 2003, in Panguitch at the new Triple C arena. Meeting will begin at 1:00 p.m.
15. Scott asked for any agenda items for the next meeting. Since none were suggested Scott said he would work on the agenda.
16. Jeannine Holt made a motion to adjourn and the meeting was adjourned.

Secretary

Appendix A
SUPAC Meeting attendants 5/6/03

Scott Truman, URDC/SUPAC	Truman@suu.edu
Roberta McMullin, WCWCD	rmcmullin@wewcd.state.ut.us
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Jeannine Holt, Senator Hatch	jeannine_holt@hatch.senate.gov
Wayne Thomas, DEQ	wthomas@utah.gov
Clare Ramsay, Garfield County	
Kim T. Lawson, Kane Co. Mayor Assoc	redhillz@expressweb.com
Mark Habbeshaw, Kane County	Habbeshaw-Commission@kane.ut.us
John Williams, 5 County AOG	jwilliams@fcaog.state.ut.us
Alan Gardner, Washington County	adgardner@washcostate.ut.us
Henry Maddux, FWS-SLC	henry_maddux@fws.gov
Gordon Topham, Utah Div. of Parks & Rec	gordontopham@utah.gov
Barbara Hjelle, WCWCD	bjhelle@wewcd.state.ut.us
Dean Reeder, DCED	dean@utah.gov
Peggy Harrison, Congressman Cannon	peggy.harrison@mail.house.gov
Jody Gale, USU Extension	jodyg@ext.usu.edu
Bruce Barrett, Bureau of Reclamation	bbarrett@ut.usbr.gov
Dan Kimball, Nat'l Park Service Zion	dan_kimball@nps.gov
Randy Trujillo, BLM	Randy_Trujillo@blm.gov
Craig Axtell, Bryce Canyon NP	craig_axtell@nps.gov
Quinn Warnick, Senator Bennett	quinn_warnick@bennett.senate.gov
Lou Brown, SITLA	lbrown@utah.gov
Ron Wilson, Dixie National Forest	rwilson02@fs.fed.us
Vane Campbell, NRCS	vane.campbell@ut.usda.gov
Chris Newell, GCT	newell@grandcanyontrust.org
Dennis Stowell, Iron County	moisturetech@sisna.com
Scott Hirschi, WCEDC	wcedc@dixie.edu
Bob Morgan, Utah Dept. of Natural Res.	bobmorgan@utah.gov
Mark Ward, Utah Atty. General's Office	
Hugh Thompson, DNR	hughthompson@utah.gov
Val Payne, DNR	valpayne@utah.gov