

STAFF REPORT

TO: County Council
FROM: Lisa Yoder, Sustainability Program Manager
DATE: February 8, 2015
SUBJECT: Public Lands Initiative Proposal



The purpose of this work session is to review the Public Lands Initiative DRAFT legislation, the alterations to the original Summit County proposal and determine a response to Congressman Bishop.

BACKGROUND

In June of 2013, the Wilderness Society proposed to Summit County an expansion of the High Uintas Wilderness Area as part of Congressman Bishop's Public Lands Initiative. Summit County agreed to participate in the Public Lands Initiative (PLI). The State Legislature expressed support of Summit County's participation. Assurances were made by Congressman Bishop's office that any participating County could cease involvement at any time, particularly if the resulting PLI legislation failed to meet the objectives of the County.

A Public Lands/Wilderness Advisory Group was formed that consisted of stakeholders with varied interests including environmental protection, ranching and grazing, recreation, local government officials. The Public Lands/Wilderness Advisory Group conducted a stakeholder-driven process that thoroughly studied the needs of the forest and potential effects of expanding the wilderness area. The Group held open meetings from October 2014 to March 2015 and accepted public input during those meetings.

The Public Lands/Wilderness Advisory Group developed a proposal that included the following:

- Addition of 23,903 acres to the High Uintas Wilderness
- Creation of Watershed Management Areas with the goal of improving the overall health and particularly the watershed of the High Uintas Forest
- Identification of the Little West Fork Blacks as a Special Management Area
- Identification of the Big Horn Sheep Management Area and principles for cooperation
- A map illustrative of the areas described above
- Conveyance of one (1) 40-acre BLM parcel to Summit County and three (3) parcels to Park City Municipal Corporation

Summit County Council submitted a letter dated April 7, 2015 (attached) to Congressman Bishop along with Summit County's PLI resolution, proposal, and maps approved by Council on April 1, 2015.

Congressman Bishop's office assembled the seven-county bill and released a DRAFT legislation dated January 20, 2016 with the request that participants review the DRAFT and provide edits/specific language to address any concerns with the DRAFT legislation.

DILEMMA

The PLI DRAFT legislation included significant alterations that do not comport with proposal submitted by Summit County. Attached is a comparison of the deviations from the original proposal. Several edits are required to bring the DRAFT legislation into line with the Summit County’s resolution and language for the watershed management areas, special management area, and wilderness. The purpose of this work session is to review the DRAFT legislation, the alterations to the original Summit County proposal and determine a response to Congressman Bishop.

RECOMMENDATION

Craft a letter to Congressman Bishop indicating that Summit County cannot support the current draft as written and respectfully re-submit the original proposal that was approved by the Summit County Public Lands/Wilderness Advisory Group and Council.

COUNTY COUNCIL



Kim Carson - Chair
Roger Armstrong - Vice Chair
Claudia McMullin
Dave Ure
Chris Robinson

April 7, 2015

Hon. Representative Rob Bishop
123 Cannon House Office Building
Washington, D.C. 20515

Hon. Representative Rob Bishop
1017 Federal Building
324 25th Street
Ogden, UT 84401

Dear Congressman Bishop,

It is with much appreciation and anticipation that the Summit County Council presents to you its Public Lands Initiative Resolution, Proposal, and maps, approved by the Council on April 1, 2015. We greatly appreciate the opportunity to be a part of your Public Lands Initiative Bill, and we are looking forward to the continued progress of the Initiative, and to this proposal becoming a reality.

Summit County instituted an effective stakeholder process in order to fully vet the possibility of expanding the High Uintas Wilderness, including an examination of the impacts to local ranchers, grazers, recreationists, and other forest users. We were able to craft a consensus driven proposal that finds balance between creating additional wilderness and providing additional flexibility to local forest service personnel in order to better manage critical watersheds to reduce the chance of catastrophic fire and improve the overall health of the watershed and all it supports.

Thank you for this opportunity, and we look forward to working with you for the successful passage and implementation of your Public Lands Initiative Bill.

Respectfully submitted,

Kim A. Carson
Chair, Summit County Council

cc: Governor Gary R. Herbert
Senator Orrin Hatch
Senator Mike Lee
Congressman Jason Chaffetz
Congresswoman Mia Love

Congressman Chris Stewart
State Senator Kevin T. Van Tassell
State Representative Mel Brown
State Representative Brian S. King
State Representative Kraig Powell

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SUMMIT COUNTY – RESOLUTION V. PLI DRAFT LEGISLATION

January 21, 2016

County Proposal	PLI Draft
Wilderness additions to High Uintas	
Exclude Spirit Lake Lodge, reservoirs, canals, and roads.	<u>Consistent with Summit County resolution.</u> PLI includes County-recommended wilderness additions. Requested exclusions have been made.
Wilderness additions managed in accordance with Wilderness Act.	<u>Inconsistent with Summit County resolution.</u> PLI includes numerous provisions that are inconsistent with the Wilderness Act, including provisions regarding grazing, forest management, target shooting, and water development.
Wilderness designations will not affect existing water rights.	<u>Partially consistent with Summit County resolution.</u> PLI includes language that wilderness will not affect water rights. However, the PLI includes language far beyond the County resolution, and beyond existing law, limiting the authority of the Secretaries of the Interior and Agriculture regarding water rights, management, and use.
Widdop Mountain and East Fork Smiths Fork Watershed Management Areas	
Purposes are to protect water quality while allowing people to continue to use the areas.	<u>Inconsistent with Summit County resolution.</u> PLI establishes Widdop Mountain and East Fork Smiths Fork Special Management Areas. Purposes are to preserve specified values, promote outdoor recreation, including motorized recreation.
Only such uses as are consistent with the areas' purposes will be allowed.	<u>Inconsistent with Summit County resolution</u> No such provision is included in PLI.

Vegetation management permitted only where necessary to protect or improve water quality or to maintain or restore ecosystem composition and structure.	<u>Inconsistent with Summit County resolution</u> Conflicting provisions on vegetation management. One provision states the designation will not affect vegetation management. Another says commercial timber harvest is permitted to improve forest health and watershed function.
Permanent road construction prohibited. Temporary road construction permitted only where necessary for vegetation management and must be decommissioned within three years.	<u>Inconsistent with Summit County resolution</u> Permanent road construction is prohibited, but there is no limitation on construction or decommissioning of temporary roads.
Grazing to be continued, in accordance with existing laws.	<u>Inconsistent with Summit County resolution</u> Grazing is mandated to continue, regardless of consistency with existing law. Specific exemptions for provisions of the National Forest Management Act.
Designations will not affect existing water rights.	<u>Partially consistent with Summit County resolution.</u> PLI includes language that wilderness will not affect water rights. However, the PLI includes language far beyond the County resolution, and beyond existing law, limiting the authority of the Secretaries of the Interior and Agriculture regarding water rights, management, and use.
Other provisions	<u>Inconsistent with Summit County resolution</u> PLI also includes language requiring that all existing motorized vehicle use must continue, regardless of conformance with existing law; that snowmobiles will be permitted, regardless of conformance with existing law; and other provisions regarding air quality, target shooting, and water development.
Mineral withdrawal	<u>Consistent with Summit County resolution</u>
Little West Fork Blacks Special Management Area	
Purposes are to maintain and restore watershed and ecosystem function and aquatic habitat (consistent with the forest plan, as amended).	<u>Inconsistent with Summit County resolution.</u> PLI establishes Little West Fork Blacks Special Management Area. Purposes are to preserve specified values, promote outdoor recreation, including motorized recreation.

<p>Only such uses as are consistent with the area's purposes will be allowed.</p>	<p><u>Inconsistent with Summit County resolution</u></p> <p>No such provision is included in PLI.</p>
<p>Vegetation management permitted within only to (1) restore watershed and ecosystem function; (2) reduce hazardous fuels; and (3) protect property in the wildland urban interface.</p>	<p><u>Inconsistent with Summit County resolution</u></p> <p>Conflicting provisions on vegetation management. One provision states the designation will not affect vegetation management. Another says commercial timber harvest is permitted to improve forest health and watershed function.</p>
<p>Temporary road construction permitted only where necessary for vegetation management and must be decommissioned within three years.</p>	<p><u>Inconsistent with Summit County resolution</u></p> <p>Permanent road construction is prohibited, but there is no limitation on construction or decommissioning of temporary roads.</p>
<p>Grazing to be continued, in accordance with existing laws.</p>	<p><u>Inconsistent with Summit County resolution</u></p> <p>Grazing is mandated to continue, regardless of consistency with existing law. Specific exemptions for provisions of the National Forest Management Act.</p>
<p>Designations will not affect existing water rights.</p>	<p><u>Partially consistent with Summit County resolution.</u></p> <p>PLI includes language that wilderness will not affect water rights. However, the PLI includes language far beyond the County resolution, and beyond existing law, limiting the authority of the Secretaries of the Interior and Agriculture regarding water rights, management, and use.</p>
<p>Designation will not preclude road construction to provide reasonable access to private land.</p>	<p><u>Inconsistent with Summit County resolution</u></p> <p>Access is not precluded. PLI also includes language requiring access to be granted, whether reasonable or not, regardless of consistency with existing law.</p>
<p>Other provisions</p>	<p><u>Inconsistent with Summit County resolution</u></p> <p>PLI also includes language requiring that all existing motorized vehicle use must continue, regardless of conformance with existing law; that snowmobiles will be permitted, regardless of conformance with existing law; and other provisions regarding air quality, target shooting, and water development.</p>
<p>Mineral withdrawal</p>	<p><u>Consistent with Summit County resolution</u></p>

Land Conveyances and Exchanges	
Requested conveyance of BLM parcel.	<p><u>Inconsistent with Summit County resolution</u></p> <p>PLI includes two conveyances to Park City, but does not include any conveyance to Summit County.</p>
Requested consideration of land exchange.	<p><u>Inconsistent with Summit County resolution</u></p> <p>This exchange is missing from the PLI.</p>
Bighorn Sheep Management	
Ranchers, conservation groups, and others will work cooperatively with UDWR and USFS to implement specified principles regarding bighorn sheep management.	<p><u>Inconsistent with Summit County resolution</u></p> <p>PLI includes language identical to Summit County resolution. The language requires groups to work together. This is not appropriate for Federal legislation.</p>
Additional Considerations	
Ranchers, conservation groups, and others will work cooperatively with the USFS to ensure that the agency is adequately clearing trails and maintaining fence lines and other facilities in the proposed and existing wilderness, including the use of chainsaws as appropriate and necessary.	<p><u>Inconsistent with Summit County resolution</u></p> <p>PLI includes language identical to Summit County resolution. The language requires groups to work together. This is not appropriate for Federal legislation.</p> <p>The Summit County resolution includes other items, including working together on beaver reintroduction and forest restoration. Like trail and fence maintenance, these items are intended to be handled outside of Federal legislation, and hence were not included in the draft PLI bill.</p>