

# Balanced Resources Council

## December 9, 2009

### Minutes

**Attendees:**

**Members:**

Ted Wilson, Chairman,  
Amanda Smith, Executive Director, Utah Department of Environmental Quality  
Pat Shea  
Mike Styler, Executive Director, Department of Natural Resources  
John Harja, Director, Public Lands Policy Coordination Office  
Lynn Stevens, San Juan County Commissioner  
Dianne R. Nielson, Governor's Energy Advisor  
Kathleen Clarke, Deputy Commissioner, Department of Agriculture and Food (UDAF)  
Mike Noel, Representative, Utah House of Representatives (via telephone)

**Guests**

Gary R. Herbert, Governor, State of Utah  
Greg Bell, Lieutenant Governor of Utah

Rainer Huck  
Julie Mack  
Robert Spendlove  
Cordell Roy  
Riley Cutler  
Selma Sierra  
Don Banks  
Jeff Rawson  
Mike Mower  
Jen Clancy  
Carl Fisher  
Vanessa Pierce  
Reed Searle  
Rey Butcher  
Jeff Hartley  
Todd Bingham  
Redge Johnson  
Jeff Salt  
Terry Marasco

Cherise O'dell  
Randy Parker  
Mike Roberts  
Mark Ward  
Mark Raymond  
Steve Erickson  
Deeda Seed  
Kevin N. Anderson  
Kevin T. VanTassell  
John Andrews  
Holly Mullen  
Brent Gardner  
Michael Swenson  
Mark Habbeshaw (via telephone)

**Staff:**

Tiffany Pezzulo  
Ben Machlis  
David Andreasen

-The Chairman, Ted Wilson, called the meeting to order at 8:55 am.

**Job Description:**

-Wilson noted public attendance was 30-35 people, representing industry, agriculture and environment.

-Discussed the Governor's purpose for creating the Council.

- Introduced staff intern, David Andreasen.
- Discussed his position as Chairman and facilitator to the Council.

**Priorities of the Council:**

- Wilson briefed the council on a process to determine the priorities:
  - Discuss issues and resolve conflicts.
  - Determine items for the various meeting agenda.
    - Long and short range action items:
    - Council submits their items to Wilson.
    - Wilson submits to Governor for review.
    - Council adopts action items.

**Welcome - Governor Herbert:**

- Governor Herbert welcomed the council, thanking them for their participation.
  - Briefly summarized the council's purpose.
  - Requested members approach issues with an open mind.
  - Look for common ground.
  - Prioritize issues; determine long and short term goals.

**Recommendation of Initial Issues:**

- Wilson outlined the initial proposed issues:
  - Expansion of Hovenweep National Monument
  - Cooperation with the Obama Administration
  - Wild and Scenic Rivers
  - Wilderness
  - RS 2477
  - Uniform Data Process

**Expansion of Hovenweep National Monument:**

- Commissioner Lynn Stevens reported:
  - Hovenweep is a National Monument established to protect the archeological integrity of the area.
    - The monument is in Utah and Colorado.
    - The proposed expansion would affect BLM, private and SITLA land.
    - Current management plan study is over 20 years old.
      - Contained statements of concern. Implementation would have no affect on local economies.
  - Area land owners are not opposed to discussions regarding the sale of their property.
  - San Juan County does not oppose discussion of the idea of expansion.
  - Decisions should coincide with county land use management plans.

**-Cordell Roy, Director, National Park Service, reported:**

- An analytical map was in the final stage.
- The General Management Plan for the Monument is nearing completion.

-A final determination of the proposed larger boundaries of Hovenweep has not been made.

-A brief discussion was held amongst the council members regarding Hovenweep National Monument.

- Wilson requested approval by the council to adopt Hovenweep National Monument as an agenda item.

-Pat Shea stated he believed the council had no authority concerning federal land exchanges.

-Representative Noel disagreed, noting the State has a policy of no net gain in public lands. Also, He stated that there is authority under multiple use management, but there is a process that must be observed.

-Dianne Nielson requested as a schedule became available, it be sent to the members.

-Wilson affirmed any updates would be provided the members, noting the possibility of providing a map showing active oil and gas leases near the monument to identify possible viewshed issues with the proposed expansion.

#### **Cooperation with the Obama Administration:**

-Kathleen Clarke complimented Governor Herbert on his outreach program and for keeping the avenues open for communication.

-Noted Secretary Salazar is interested in meeting with the Council.

-Observing that Secretary Salazar is a westerner and that Bob Abbey has worked out west.

-Both had an understanding of western issues.

-Pat Shea stated Utah is not high on the radar screen with the Obama Administration primarily due to its political persuasion.

-He would search avenues to advance Utah.

-Commitment was needed to include government and environmental groups in the circle of communication.

-Wilson stated if there was no opposition, he would add "Cooperation with the Obama Administration" to the agenda.

-He stated the Balanced Resource Council's mission was not to displace any agency, but to work with and through the agencies.

#### **Wild and Scenic Rivers:**

-Wilson stated he had previously worked closely with the BLM and Forest Service on designation of Wild & Scenic Rivers. He believes there are currently 41 river segments suitable for designation.

-Reminded the council that there are two different processes.

-Forest Service utilizes a centralized process.

-BLM utilizes resource management plans.

-Harja gave a brief explanation of the role of the Public Lands Office:

-Coordinating the response of state agencies to Federal actions.

-He noted Congress was the only entity that can add to the Wild and Scenic River System (WSRS).

-The Forest Service has initiated an EIS to evaluate the suitability of certain river segments in Utah.

-Last January, the Virgin River, within and near Zion National Park, became the first segment of river in Utah to be added to the WSRS.

-State wants to insure that reserved water rights that are created when National Parks and other designated federal lands are established are quantified.

-Jeff Rawson, BLM, reported 272 miles of river within 6 land use plans have been determined to be suitable for designation in the WSRS. He stated he was willing to work with the State of Utah and other federal agencies reviewing the quantifications of water rights or any other issues.

-A brief discussion was held amongst the council members concerning the Wild and Scenic River System.

-Wilson stated there being no opposition, Wild and Scenic Rivers would be added to the agenda.

**Wilderness:**

-Commissioner Lynn Stevens stated:

-The Governor had stated in a recent press conference that it is important not to have predetermined acreage in any category.

-There needed to be a balance of multiple use of land.

-He advocates using the Washington County model for future wilderness designations.

-Harja reported that the state would seek more information about water, energy resources, and R.S. 2477 issues as part of any efforts to resolve wilderness.

-Pat Shea suggested that a data set, assembled through the counties, would be a good starting point. He believed the R.S. 2477 process should be completed separately from any wilderness discussions.

-Noel stated it was important to get the R.S. 2477 issue resolved and kept apart from Wilderness issues.

-A brief discussion was held amongst the members concerning Wilderness.

-Wilson stated, with the council's permission, Wilderness would remain an agenda item.

### **R.S. 2477 Rights – of – Way:**

-Brent Gardner, Executive Director of UAC, reported his staff, Mark Ward and Pat Shea were in the preliminary stage of developing a process.

- This process has the potential to resolve the long standing issue of R.S. 2477 rights-of-way.

- Key parties involved:

- Counties

- The State of Utah

- BLM

- Gardner stated they needed a commitment from the BLM that the process would move forward and that BLM would abide by the process results.

- Endorsement by UAC is pending and will be discussed at their next board meeting in January.

-Mark Ward briefly summarized how his proposed process would work:

- Each county would meet with the BLM to negotiate road ownership using:

- A set of maps agreed to by both parties.

- Maps may include USGS 7 1/2 minute topo maps predating 1976.

- When a road claimed by the county as a R.S. 2477 road appears on the maps, the presumption would be that it is an RS 2477 right-of-way, and the BLM would issue a recordable disclaimer of interest jointly in the name of the county and state (pursuant to FLPMA §315).

- When a road claimed by the county does not appear on the map the presumption would be that it is not an RS 2477 right-of-way, and the county and state, as co-owner, would formally abandon the road and issuing a disclaimer of interest to the BLM.

- However, if one of these roads is important to the transportation, economy or tourism of that county, BLM would give the county a FLPMA Title V permit.

- Procedural Issues:

- The county produces a tentative list of roads and consults with the BLM and Governor's office.

- BLM consults with various stakeholders on the county's list of roads and holds informal conversations with interested groups.

- The county and BLM would meet to refine the tentative list based on the input from those groups.

- The parties would determine a date to obtain agreed upon documents for signatures by the state, county and BLM regarding the roads.

-Pat Shea stated Dan McCool, professor with the University of Utah, had agreed to be the facilitator for the proposal if it became necessary.

-A brief discussion was held amongst the members concerning RS 2477 and the proposal.

-Harja noted the State would prefer to avoid Quiet Title Actions in favor of negotiation.

-Pointing out that the primary purpose was to guarantee access, not ownership, and suggesting that other criteria besides maps could be taken into consideration during negotiations, to support the counties' R.S. 2477 rights-of-way.

-A brief discussion was held amongst the members concerning RS 2477 and the proposal.

**Wild Horse and Burro Policy:**

-Kathleen Clarke reported on changes to The Wild Free-Roaming Horses and Burros Act of 1971.

-Clarke supported Secretary Salazar's recommendations.

-Clarke also noted local support was needed.

-Clarke suggested Jeff Rawson and an opponent be invited to speak to the Council in order to be fully informed.

A brief discussion was held amongst the members concerning the Wild Horse and Burro Policy.

**Public Comment:**

-Mark Raymond, Uintah County Commissioner, reported Uintah County supports the UAC proposal for R.S. 2477 roads.

-Rainer Huck, Public Lands Access Advocate, voiced concerns about the direction the public lands issues were going, particularly the wilderness issue.

-He stated that public lands should have public access and be available to everyone, and R.S. 2477 should be resolved before wilderness talks begin.

-BLM has been systematically been closing roads to prepare areas for wilderness designation.

-Randy Parker, Representative of the Farm Bureau, commented on the earlier discussion concerning the Leavitt philosophy of no-net loss of private land, stating it is codified within the quality growth act.

-Terry Marasco reported his business is based on tourism. Due to licensing issues, he sends most tourists to Utah areas including Burbank Hills, Crystal Peak and Notch Peak, and he has noticed increased destruction due to people going off road and dumping garbage. Marasco stated when allowing motorized access, enforcement must be provided.

-Mike Swenson, Executive Director, Utah Shared Access Alliance, questioned how wilderness could be addressed without addressing the roads issues first.

-Jeff Salt, Great Salt Lake keeper, commented that there was a significant problem with mercury in the state, and a pressing need to find where it is coming from. There was not enough funding for proper testing. Water quality management, on a regional basis, is not occurring.

-Julie Mack, The Wilderness Society, introduced herself and stated her organization's support for the Washington County process.

-Redge Johnson, The Nature Conservancy, voiced support for the Balanced Resource Council.

-Rey Butcher, Questar, requested issues with the RMPs be addressed in the future.

-Scott Baxter, Wasatch Audubon Society, noted the Wild Horse and Burro situation is an environmental challenge and was in favor of readdressing the legislation. He requested the council give consideration to migratory birds and other issues.

-Mike Roberts, The Nature Conservancy, stated his group supports the council.

-Cherese O'Dell, founder of Utah Moms for Clean Air, requested air quality issues be added to the agenda.

-A brief discussion was held amongst the members regarding clean air.

**Other Business:**

-Mike Styler requested water rights adjudication be added to the 24 agenda items. There is a need to have accurate records on water rights ownership.

-Vanessa Pierson, HEAL Utah, requested issues of land and water use planning for energy development, be added to the list.

-Discussion for the next meeting on January 21 was held.

-Meeting adjourned at 11:20 a.m.