

Balanced Resources Council

January 21, 2010

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
Leonard Blackham – Department of Agriculture and Food

Guests

Greg Bell, Lieutenant Governor of Utah

Julie Mack
Cordell Roy
Selma Sierra
Don Banks
Jeff Rawson
Carl Fisher
Jeff Hartley
Jeff Salt
Mark Ward
John Andrews
Scott Baxter
John Pearce
Brent Tanner

Terry Marasco
David Nimkin
Kristen Uchitel
Bill Hoffman
Darlene Burns

Staff:

Tiffany Pezzulo
Ben Machlis
Sean Reichert
Judy Edwards
David Andreasen
Paul Neuenswander

-The Chairman, Ted Wilson, called the meeting to order at 9:00 am.

Introduction by Ted Wilson:

- Agenda items introduced
 - Expansion of Hovenweep
 - RS 2477
 - Wilderness
 - Wild and Scenic Rivers
 - Uniform Data
 - Working with the Obama Administration

-Work Timeline for Balanced Resource Committee presented for each project on the first Six months of 2010 (attachment).

Expansion of Hovenweep National Monument:

-Wilson explained how the issue has progressed and who it is has he has worked with up to this point.

-Cordell Roy presents the National Parks Service's intended goals and the issues that are involved in achieving those goals.

-The goal is to expand the Hovenweep National Monument to cover the Square Tower (30,000 visitors annually) units and the surrounding area.

-The interest in this is to protect the visual surroundings of the Square Tower area.

-Expansion is estimated to increase the Square Tower units from 400 acres to 10,000 acres. The land expansion is estimated to include 6,000 acres of BLM property, 3,000 acres of private property and 1,000 acres of SITLA property.

-Acquisition could be done with agreements and the Antiquities Act.

-Roy addressed the issues with moving forward on this plan.

-There are two grazing allotments currently active on the proposed area.

-Solutions are to either buy out the contracts or wait for them to expire.

-There is an 8" Carbon Dioxide Right of Way in the proposed area.

-There are act oil leases in the proposed area on both State and Federal lands. There is currently little development on these leases.

-Information and maps of the Square Tower area are an attachment.

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

R.S. 2477 Rights – of – Way:

-Ted Wilson introduced a new approach being explored on R.S. 2477 Right – of – Way claims based on a review of maps.

-The approach is based on reviewing both 7.5 minute topographic maps and aerial imagery in order to establish a R.S. 2477 claim.

-This new approach could help avoid costly Quiet Title action on many roads.

-The new approach can be pursued and only if necessary, would Quiet Title action be used.

-Work plans are being discussed between Pat Shay, John Harja and Mark Ward.

-Issues with this approach are how much coverage there is by maps of the appropriate years and the quality of those maps.

-Senator Bob Bennett has discussed this approach with the Department of the Interior to move forward with this new approach.

-John Harja commented that the Department of the Interior does not like the idea of relying on only maps for R.S. 2477 claims.

-Ted Wilson said that the Washington County Bill resolved many roads issues in Washington County through agreement and strategies such as cherry stemming roads in protected areas.

-Ted Wilson introduced Mike Ward to explain Reportable Disclaimer Interest (RDI).

-Mike Ward explains that the counties feel the majority of the roads can be easily agreed between all parties as roads. Therefore, the counties want to create an agreement on scope and location with the federal agencies to resolve the obvious roads in order to limit the number of Quiet Title cases.

-These roads could be settled on with either R.S. 2477 or Title V of FLPMA.

-There are counties ready to proceed as pilot projects.

-Selma Sierra is introduced as the State Director of the Bureau of Land Management for Utah.

- The BLM is interested in pursuing the administrative maps process for resolving roads issues.

-The BLM is concerned about the impact that this process would have on other states.

Wilderness:

-Ted Wilson introduced the issues involved; oil and gas access, roads and economic development.

-The Washington County Land Use Bill can be a model for moving forward in Utah on settling wilderness issues through compromise.

-Ted Wilson commented on if this model could be used on a county by county basis or collectively since many Wilderness Study Areas cross county lines.

-A discussion was held amongst the members concerning the Washington County Bill.

-Lt. Governor Bell asked that if a top down approach on agreement becomes the approach, similar to the Washington County Bill, how does this support consensus building?

-Lynn Stevens wanted to point out that the Washington County Bill approach should be more comprehensive by looking at overall land use planning, not just areas involved as wilderness or wilderness study areas.

-Mike Noel commented that more input from local residents than what was used in the Washington County Bill should be part of any plan that uses the Bill as a model.

-John Harja noted that the Red Rock Bill as it will make the planning process difficult for future attempts at moving toward agreement.

-Mike Noel commented that those of each side of the issues are upset about the lack of agreement and progress on these issues. This attitude will be good for moving forward on future agreement.

-Julie Mack of The Wilderness Society is introduced.

-The Wilderness Society is interested in working together with the counties.

-Said that she is interested in presenting information to the council in the future.

Wild and Scenic Rivers:

-Ted Wilson introduced the topic by informing the committee of recent progress.

-There has been a meeting regarding the Wild and Scenic Rivers with Cordell Roy, John Harja and the Bureau of Land Management.

-The big issue addressed was the water rights that are involved.

- John Harja explained settling the issue of water rights quantification before state support will bring members of the water community together.

-Mike Noel asked about the Green River segments, wanting to know about flow levels and is there enough water for additional diversions. He also noted the importance of getting the water community involved.

-Cordell Roy said that the Federal Agencies are working on a pretty book for the Wild and Scenic River Areas.

Uniform Data

-Ted Wilson introduced the topic.

-The first step to this process would be to look at map banks and determine the common data between them.

-Dianne Nielson said there was an AGRC program where there was an attempt to work with the BLM on creating uniform data between them.

-John Harja noted that the difficulty is not in finding the maps but in determining what the purpose of the map was. Different purposes for the maps create subtle differences between them.

-A brief discussion between the council continued on the uniform data issue.

Working with the Obama Administration:

-Ted Wilson introduced the topic with a focus on meetings between State and Federal Agencies.

-So far much of the discussion between the State and Federal levels was based around oil and gas issues.

-Talk should happen with the Secretary of the Interior with a focus on R.S. 2477 issues.

-Mike Noel said that there may be a possible law suit in Uintah County on oil leases. There oil leases sold but they have limits on surface use which have hindered the oil exploration.

-Mike Styler suggested that Utah could be a pilot state on using cooperative water management between the State and Federal agencies to promote watershed restoration.

Kane County Roads

-Mike Noel introduces issues on Kane County Quiet Title actions.

-Kane will file a motion for summary judgment on five roads as the Bald Knoll Quiet Title.

-39 roads in the Hole in the Rock Quiet Title have been filed but the scope has not been explored yet

-Emphasized that Title V claims are a permitted use and not a title.

-Made a motion for the council to advice the Governor to support State intervention in the Bald Knoll case. Motion seconded and approved.

Rich County Conservation

-Leonard Blackham introduced Bill Hoffman to present Rich County's new grazing strategy.

-Proposing a time control grazing strategy to allow grazing allotments a rest period for growth.

-The benefits of this grazing strategy are: fuller growth of vegetation, increased water attainment, increase wildlife food and reduce grazing costs over time.

-In Utah there are 38 million acres of grazing land.

-This type of strategy requires that allotments are grouped together and then managed as a whole to rotate the grazing periods. This requires more management of the allotments as a whole.

-The test allotments showed the benefits would outweigh the extra costs for management in the long term, but the initial costs deter expansion of this strategy.

Nine Mile Canyon

-John Harja introduced the issue with the canyon.

-There are oil and gas reserves near the canyon. The only access to the reserve is through Nine Mile Canyon. There are archeologically significant artifacts in the canyon that could be harmed by frequent travel in the canyon.

-A collaborative agreement that included dust mitigation and rock art protection was sign by all members involved, allowing the reserves to be accessed.

Film Commission

-Ted Wilson will be traveling to Moab with SUWA to view a site where a movie, "John Carter Goes to Mars" may be filmed. The purpose of this trip is to gain insight to the production to understand its possible impacts.

Public Comment:

-Darlene Burns, Uintah County Commissioner

-Noted that extraction funds promote development and maintenance of small towns all over Utah.

-60% of wages are from extraction industry.

-\$117 million distributed to the counties from extraction royalties.

-Would like representation of the industry in the council.

-Jeff Salt, Great Salt Lake Keeper

-Outdoor retailers will bring \$48 million to Utah this year. Recreation brings in economic growth as well.

-The Jordan River Parkway is no longer maintained by Utah State Parks. The Parkway is in need of an agency to maintain it.

-Mercury contamination needs to be prevented. Funding is needed in order to keep mercury contamination from happening.

Other Business:

-Discussion for the next meeting was held.

-Amanda Smith desired a regular meeting schedule.

-Ted Wilson suggested having the meeting on the third Thursday, every other month. This schedule should start after the session is over.