

Daggett County Public Lands Advisory Committee
January 5, 2015
6:00 PM at the Daggett County Courthouse
Meeting Minutes

Members Attending: Chair: Ross Catron, Vice-Chair: Jon C. Wilde, Hank Gutz, Ryan Mosely, Jack Lytle, Chuck Bennington, Dave McDonald, Matt Henry, Chad Reed, Jerry Steglich

Members Excused: none

Public Attending: Brian Raymond (Daggett Commission/Committee Liaison), Bret Reynolds, Troy Ostler, Dave Allison (Consultant CLC), Cody Stewart (Governor Office), Mark Ward (UAC), Jean Dickinson, Mel Brown (State Rep.), Hal Harin, Mark Kot, Carl Larson, Joe V. Hickey, Woody Bair, Craig Collett, Mike Musselman, Rowdy Muir, Clyde Slaugh (County Commissioner), Mark Allen, Brandon Tinker, Glen Tinker, T. Wright Dickinson, Jess Jackson, Bill Hopkin (UT Dept. of Ag.), Troy Forrest, Elliott Jolley, Charles Card, Vance Broadbent, Hugh Straatman, Carol Gardiner, Tamer Davis, Casey Snider (Congressman Bishop), Bryan Tinker, Dave Potter, Niel Lund, Ryan Wilcox (Senator Lee), Devin Caldwell, Michelle Jolley.

Welcome and introduction: Jon Wilde reviewed previous meeting minutes. Dave said that Kim stated twice that the land exchanges would take 7-10 years to culminate. County finances need to be solved now. Dave also said that he hasn't done any market studies for the land and it may take 20,30 – 50 years for this to be developed. Jack made a motion to approve and Hank seconded and all were in favor as written.

Review by-laws: (Commission)...Niel said that the Commission was fine, but did not need to approve these as they gave that power to the committee to create their own by-laws.

Read Bruce Erickson email: not read

RS 2477 Presentation by Mark Ward from Utah Association of Counties. Mark explained what the federal statute requires. This statute deals only where roads cross Federal Land (Forest Service/BLM) and states that it will be State law that dictates the definition of a road. Utah State law defined a road on the basis that it was used continuously for 10 years prior to the RS2477 legislation. RS2477 has to happen on unreserved land. Forest Service reserves the land, which means the roads in our area needed to exist before 1905. Continuous use is defined differently, but generally has to be used as often as public finds is necessary and convenient. Jean Dickison asked about how to look at this for our area. Mark says this is based on a rural use, where continuous use may be two vehicles a week. BLM uses the year of 1976 as their date for continuous use. There is some discussion concerning the NRA. Mark states that the NRA is a reserve in its self and as long as that reserve was created before 1976 it is included. Mike Mussleman asked about SITLA closing

the road up to Hogsback which was built with county funds. Mark stated that there would have to be paperwork to detail that. Jack said we need to get more information before we spend too much time on this. Mike's worry is that his access will be blocked by SITLA or someone else at some time in the future. County can only vacate a road through a formal process and not by lack of use. How does a county assert an RS2477 right? The county would have to go to court and prove that there was continuous and uninterrupted use with clear and convincing evidence. Clear and convincing evidence will entail witnesses coming forward with testimony about historical use. The aging witness base is a challenge. The fact that you can't even get your case into court unless it is closed can be another challenge. Another challenge is that there is a 12 year statute of limitations under a recent ruling. If it's still open then there isn't any controversy. Title V is a procedure that allows for new roads and doesn't cause you to lose your RS2477 rights. Because of the difficulties in proving RS2477 it's prudent to find other ways to finalize these rights. Court battles are long, tedious and expensive. The current 22 suits by the counties are estimated to cost the federal government alone \$900 million. The administration can issue disclaimers of interest. Can the county get a deal that will tighten up and cinch down the roads that you want through the PLI? You can measure roads two different ways: total unique roads and total linear miles (120 miles in Daggett). The PLI proposal from Daggett County will codify that 80% (96 miles) of the linear miles will be immediately granted and the other miles 24 will then be expedited in court or through mediation. Daggett gave up .9 miles but still wants the other 23.1 miles so it will be resolved in some other manner to be expedited by the PLI process. What about roads that aren't considered RS2477, that's a question that should be examined. Jean had brought up how these roads affected ingress and egress from other counties. County determines its B & D roads. If they are not claimed that should be okay. Dave asked about the road litigants and who we were suing – the federal government. We don't know how the exchange in Brown's Park will affect the mineral lease money coming in for roads. Craig said most of the money (\$300,000) came in due to a special agreement with Daggett and two other counties.

Break was taken and Committee decided how to run the rest of the meeting.

Discussion of pros and cons of PLI proposal: Ross gave the public who attended the rules of engagement so that everyone has an opportunity to comment. Please refrain from making comments that are already part of the record. New comments are welcome, but be succinct. People can also send in written comments.

Craig Collett spoke to the issue of not following county policy with the issue of wilderness.

Jean Dickinson got up and read briefly from a large packet of information that is available for everyone and especially for the Public Lands Committee. Jean read some key components from the letter including the loss of water rights, land use and loss of grazing rights. These and many other rights will need to be protected by this proposal. A copy of the memorandum and the study done in 2012 titled "Wilderness Designation and Livestock Grazing: The Gila Example" was given to each committee member for review.

Mike Mussleman got up and said he was against the proposal for several reasons. He would rather see money come from timber sales or other types of economic development. He has concerns about grazing rights and access for hunters. Mike would like to see the proposal go away.

Jess Jackson spoke about the economic costs of wilderness. Wilderness impacts both household incomes and county income. Jess provided a copy of the study he quoted.

T. Wright opposes the proposal that was submitted by the prior commission as the eastern part of the proposal does not support grazing.

Charles Card would like to see the scenic designation to stay a part of the proposal.

Ross read a few different written proposals from some folks in Dutch John that were not able to attend.

Troy Ostler has been working with the commission on behalf of the Deer Lodge home association and would like to see their portion of the proposal continue forward and include the homeowners of Half Moon Park.

Mark Allen is in favor of the DCPLI. He thinks everyone needs to think about the long term affects this could have. It could be to the benefit of everyone in firming up the rights of all of the concerned citizens. This is the county's opportunity to decide the future of the county.

Brandon Tinker got up and said that facts show that Wilderness areas have negatively affected ranchers in the past. By past history their AUM would go away. This would put his ranch out of business and it's been in operation for over 100 years. It's not just emotion, but fact. He would like his children to be able to grow up with the same lifestyle.

Chuck asked Brandon and Dickinson's if they really believed this, to which they replied they did and the documentation they provided shows the sad history of loss of AUM's due to Wilderness.

Ross asked Casey to speak to this. Casey said two points are a part of this. This is Daggett County's proposal and this committee is an arm of the commission. If it doesn't work for the county they are out. Previous Wilderness designations say that grazing can continue, not that they shall. Representative Bishop's goal was to help grazing, to codify the language to say grazing shall continue, along with the ability to protect all of the rights that are needed for that grazing. The County can pull out at any time they feel uncomfortable even if it's the last minute.

Carl Larsen from Summit County said he had talked with Rob Bishop and he has 4 goals:

- Have a floor guarantee for AUM's
- The word shall for grazing
- Protect the infrastructure for the grazers
- The AUM's being a property right not just a privilege.

They are preserving AUMs and going to go allotment by allotment and they are all listed out already. They are looking for a hardwire to insure for almost automatic renewal. Casey said that there is a meeting on the 15th dealing with this for grazers. Ross asked why there wasn't a release of roadless considered in the Daggett County. Casey said yes it was, but it is a pretty high wall. The environmental community was not always willing to look at this. Uintah County wanted a release from Roadless areas, but that's only being done by an addition of another designation of a lesser restriction. Dave Allison asked if there was any opportunity to increase AUM's. Casey said you can ask for the world. Mark Ward said hold the line on the permitted and hardwire on the active and have allowances for rangelands to improve so that suspended use be reinstated. In Summit County they thought that the Roadless designation was more important to get rid of than to add AUMs. They have cherry stemmed 500+ acres around the Spirit Lake Lodge to allow them to cut firewood with chainsaws and other uses that wouldn't be permitted in Wilderness. They talked about 150 feet around the canal and if that is enough could we go larger if needed, probably!?! Jerry stated that he had discussed this at length with Ned Brady and that because of the geography of the country it may not be possible to go larger in areas.

Matt Henry said the water rights predate the reservation of the Forest Service and how do you protect them, not just the canal itself. Which means how do you keep up the water production so you can get the water you are entitled? Ross and Mark said that water rights would not be in jeopardy.

Casey makes the point that this is a once in a lifetime deal. Congressman Bishop is the head of this committee and he wants to make sure it is what each County wants.

Jean spoke about the Wilderness and how to protect the water sheds, water yield and forests, which all needs to be taken very seriously. Wilderness is not a word to be thrown around lightly. There are hundreds of years of institutional knowledge here.

T. Wright said you really need to think about the canal issues. It has to be proven to me that the grazer's requests will be acceptable to the environmental contingency. We are not sure that all we want is acceptable to this group even though an agreement has been worked out.

Cody Stewart of the Governor's Office said he thought this was a good discussion and that making a decision without the language would be premature. This is a huge opportunity for Daggett County. Thousands of bills are introduced, but few are passed, so there has to be give and take or compromise. This is what could be passed and could go quicker than

the 7-10 years that was referenced earlier. There was discussion about the time limit of how long it would take for these things to occur under this model.

Casey says the one thing that he would like people to take away from this is that no other permittees have this kind of opportunity for protection of their rights.

Elliott Jolley talked about his desire to see winter recreation opportunities closer to home to supplement the summer recreation. A lot of money is spent on the Wasatch front and Colorado that could be spent here. The residents of the Basin would rather spend their money here.

Niel Lund spoke of his desire to see this happen. He understands that there are a lot of "ifs" in this. The best way to codify what we want is to continue with this process. The negotiation process was to avoid the wild hare changes that everyone is afraid of. If you write in the protections then you can keep what you have. Otherwise there is no protection under the current system. Niel urged everyone to follow Cody's advice and wait for the language.

Senator's Lee's office will support this in whatever the County wants. There is a big difference between shall and may. This is a unique opportunity and we should give this a good hard look.

Craig said he's feeling better about things, but he feels like we are still giving up a lot of going from 0 to 25% Wilderness. He feels this is a huge step to take and can't it be a little less.

Jack said he felt that the Tribune presented this as a done deal and yet it's still a draft. We did not have the benefit of some of the knowledge that we now have. We need to figure out what works for us and how does everything affect our neighbors. We need to be a good neighbor. This is a tremendous opportunity to come up with something that works instead of getting something shoved down our throat that doesn't work.

Dave said Jack covered a lot of his comments. The negotiation that was done in Daggett County was done first and it was done behind closed doors. He complimented Summit county and their process. We need to get with other counties and be in a position of strength. This is too much to give away for what we are getting. We only have 4% of the County to develop, so we need to do something more to improve our county. This affects the entire county not just agriculture.

Ross said that we will take new written comments from those that didn't want to get up and speak.

Carol said the 80,000 acres is too much for what you are gaining. She would like to have it all mapped out with the grazing permits. Look at the watershed affects and see if there is a way to pare things down.

Ross said he thinks we need to look at everything before we put it to a vote and if the vote was no, then we need to have details of what exactly should be changed.

Hank thought that the lack of wiggle room that's been discussed means we should vote now and turn it in so they can begin the renegotiation now.

Casey states that Congressman Bishop was sworn in as the Chairman about an hour ago and now all of the work on the language will begin.

Jack asks if this is the map that Congressman Bishop will move forward with, are we comfortable with what it looks like.

Dave says the magnitude of the map is wrong. It's too much.

Mark made a recommendation of suspending a vote, but coming up with things that need further study. Rejecting it outright when Daggett was the flagship (regardless of how you got there) could cause the whole process would unravel at both a state and national level. Is there a way to limit the wilderness? Is there a way to protect the water? Suspend the vote and respond back with "serious concerns". Being in front means we need to be able to re-evaluate since we are leading out. When you get the information you need then you can say we think this is an improvement.

Jack asks what our leverage is. Mark says he feels that there is great potential for us to secure all of the rights we need protected.

Determine need for additional comment time or put proposal to a vote:

Ross wants to take more time to study the issues. He feels that there is the need for at least one more meeting.

Determine next meeting date and agenda: January 19th at 1:00 pm (this will be a work meeting, but the public can attend just no comments).

Adjourned at 9:20 pm