

Emery County General Plan

County Policies, Objectives, and Action Steps

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EMERY COUNTY PLANNING PROJECT

1995-1996

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EMERY COUNTY GENERAL PLAN

1994-95 Emery County Planning Project

Introduction

The 1994-95 Emery County Planning Project and the subsequent Emery County General Plan are efforts by the County and its citizens to address the present and future needs of Emery County. This Plan addresses specific issues identified by County residents as County priorities and outlines a series of strategies designed to accomplish County goals and objectives.

Utah State Statute provides for the development of county-level plans under Title 17-27-301. Components which may be addressed within these plans include: land use, transportation, environmental issues, public services and facilities, rehabilitation and redevelopment, economic concerns, recommendations for plan implementation, and "any other elements that the county considers appropriate". In its plan, Emery County has focused on issues identified by County residents during several public work sessions. These issues are addressed in the Plan through County "Value/Goal" Statements. Issues identified as "County priorities" are further developed through "County Policy Statements" and "Action and Implementation Steps".

The purpose of the Emery County General Plan and the 1994-95 Planning Project is two-fold. First, the County now possess a single document that establishes the guidelines for all other planning efforts within the County. It is anticipated that future County planning efforts will expand on the "values and objectives" identified in the County's General Plan. With respect to this purpose, County priorities and the issues facing the County will most likely change over time. For the document to function as a valuable decision-making tool, it should be reviewed and amended as necessary to address County issues and interests as they develop.

Second, the planning process itself has been a valuable learning experience for the citizens of Emery County. As members of the Project Steering Committee, a diverse group of County residents actively participated in all stages of plan development including: issue identification, issue prioritization, objective identification, and implementation strategy development. Through this process, County citizens have planned for Emery County's future. The County's General Plan is the result of their combined expertise and experience. This experience will be invaluable as the County adopts and begins to implement this Plan.

As part of this planning project, The *Emery County Profile*, has been prepared. This document contains information, data, and maps covering County demographics, economics, land use, history, and public facilities and services. If consistently updated, this document will remain a valuable resource for Emery County officials, County residents, and persons interested in the status of Emery County. The *Emery County Profile* can be found in Appendix G.

Historical Background

Emery County is located "where the desert meets the mountains," at the border of the Colorado Plateau and the High Plateaus. On the western side of the County is the Wasatch Plateau, which is the major water source for the County. The San Rafael Swell dominates the County's center with its rugged reefs, "castles" and gorges. East of the San Rafael Swell is the Green River Desert, an arid district which has been historically important to ranching operations located in the lower San Rafael Valley. The eastern border of the County is formed by the Green River.

Jedediah Smith passed through what is now Emery County in 1826, leaving the oldest written description which characterizes Castle Valley as "very barren and rocky". The Old Spanish Trail reached its northern most point in Emery County, offering one of the few routes through the west until gold rush spurred the development of more direct routes to California which were located to the north and south of present Emery County.

In the mid 1870s ranchers and stockmen began bringing their herds into Emery County from the valleys of the Great Basin and a few settled permanently. The settlement era began in full force in 1877 when Brigham Young issued his last call for settlers in the area. By 1880 enough families had settled in Emery County to justify the establishment of a County government. The name for the area proposed by the settlers was Castle County, but the Territorial Legislature chose instead to name the County after Governor George C. Emery. As originally established, Emery County included areas that later became Grand County (1890) and Carbon County (1894).

Settlers established irrigated farming and ranching operations, but the population remained small until the routing of the railroad reached Emery County and profoundly impacted regional development. Coal production expanded rapidly in the late 1800s but Emery County remained primarily a farming and

stock raising area with residents working in the mines in the off-seasons. Shortly after the turn of the century Emery County reached an economic plateau when all the water had been appropriated and the land had reached its carrying capacity. The City of Green River continued to grow, establishing a strong agricultural base in melon production.

The demand for coal during World War II stimulated the development of several mines in the County. After the war, between 1950 and 1970 was a time of economic stagnation and decline. The uranium boom and missile tracking facility built in Green River gave a temporary lift to the County. With the completion of the Emery County Water Project, Emery County finally had a stable industrial water source which was crucial to Utah Power and Light's decision to build two major generating plants in the County. But recent years have found the County in another economic plateau. Prospects are bright however, with well planned recreational development, and the continuation and expansion of present industries combined with the established agricultural base, Emery County will persist and prosper with its rural spirit in an industrial society.

A more extensive County History can be found in the *Emery County Profile*.

Scope

The area encompassed by this plan is the entire area of Emery County, approximately 2.8 million acres. Approximately ninety-two percent of this area is public land administered by federal and state agencies. The Bureau of Land Management's Price River and San Rafael Resource Areas and the United States Department of Agriculture's Manti-LaSal National Forest are located at least partially within Emery County. State-owned public lands within the County are managed by the State Institutional and Trust Lands Administration, the Division of Forestry, Fire and State Lands the Utah Division of Wildlife Resources, and the Utah Division of State Parks. Due to the County's dependance on public land and the accompanying resources, it is extremely important that County input be considered by federal and state agencies and reflected in the resource management plans that are developed for these lands and resources. It is the intent of Emery County that this Plan clearly and concisely states County policies, issues and objectives and that this document will be used by the County and federal and state public land management agencies during public land planning efforts and decision-making processes.

General Plan Purpose and Process

Under Utah state law, a general plan should address certain social, economical, and environmental issues. The law also requires a minimum level of public participation. The Emery County General Plan process went beyond the required level of public participation to provide the citizens of the County with the opportunity to participate through a number of public meetings and work sessions. The Governor's

Office of Planning and Budget and the Utah Association of Counties recognized the need for adequate county-level land use planning and have assisted with the public process and the development of this Plan. The public process was facilitated by Bear West, a consulting firm under contract with Emery County and the Governor's Office of Planning and Budget.

An important aspect of the Emery County General Plan has been the involvement of local officials and various state and federal public land management agencies. At the beginning of the project, a citizen Project Steering Committee was formed. This committee represented a cross-section of Emery County interests and included local elected officials and representatives from federal and state public land and resource management agencies. (A list of the Committee members may be found on the inside cover of the General Plan.) This committee's main responsibility was to work with the consultants throughout the plan development process.

The Emery County General Planning project formally began in March of 1994 with a public workshop attended by over forty people. This workshop served as the "scoping" meeting for the project and gave County residents their first opportunity to identify the issues, concerns, values, and opportunities that they felt should be addressed as part of the County's general plan. Once the issues were recorded, workshop participants had the opportunity to indicate which issues they felt were County priorities. Priorities identified during the meeting include: maintaining the County's rural character and lifestyle, improving County participation in public land management issues, economic development, and water. A summary of these issues was prepared and reviewed by the Project Steering Committee. These topics became the focus of the plan development process. A list of these issues and their prioritization, *March 3, 1994 Public Scoping Meeting Small Group Issue Identification and Prioritization*, is attached in Appendix B.

Beginning in March, 1994, the Project Steering Committee and consultants met monthly. During these work sessions, the Committee discussed each County "priority issue" in detail. The Committee worked to articulate County sentiments through "value/goal" statements, to refine County objectives, and to develop policy "implementation strategies". Depending on the topic of discussion, members of the Committee or "topic experts" were invited to present background information and to assist the Committee in developing realistic and viable approaches. A compilation of workshop agendas can be found in Appendix D.

These County Policy Statements, County Objectives, and Action/Implementation Strategies are formally presented to the citizens of Emery County through this Plan. As outlined in Utah State statute, these recommendations have been subject to Planning Commission and County Commission review and adopted through open public process and hearings.

Using and Amending the Emery County General Plan

It is intended that the General Plan will serve as a framework for Emery County as it considers future private and public land use decisions. The Plan is also designed to provide a policy foundation for the development of infrastructure and community and human services, as well as the pursuit of economic development opportunities.

To successfully implement specific portions of the General Plan, Emery County will need to take action beyond Plan adoption. Recommended actions are identified in the "Action/Implementation" sections following each County "Objective".

While this plan reflects the thoughtful direction of Emery County in 1996, it is expected that the plan will be updated and revised as circumstances change and new challenges arise. The amendment process for the General Plan is defined by Utah statute, and follows the same requirements as the adoption process: hearings and action by the Planning Commission and County Commission with minimum 14 days notice by each body. Any interested person can propose an amendment at any time by filing an application with the Planning Commission. A copy of the Utah state "general plan adoption and amendment process" statute can be found in Appendix F.

Emery County -- Community Vision

Autumn 1996

Value/Goal Statements: A Framework for Action

Maintaining Emery County's Rural Character

Emery County's rural lifestyle is one of its greatest assets. Residents enjoy the "small town" atmosphere, good moral climate, and community spirit. Local residents also feel a deep appreciation for the County's unique landscape, natural setting and amenities, such as clean air, pure water, and uninterrupted views of the desert and mountains. The County's century-long dependance on the land and its accompanying resources have engendered feelings of appreciation and stewardship. These deep-rooted feelings are manifest today as the County participates in County-impacting natural resource and land use management decisions. These County values and characteristics make Emery County what it is today: "a great place to live and work". Residents feel that all future development decisions made within the County should be consistent with these interests.

Specific elements include:

protecting/preserving the County's open spaces - preserve a landscape free from excessive development;

maintaining the quantity and quality of current public services and facilities through balancing growth and development with facility/service capacity;

ensuring that development decisions are sensitive to rural/agricultural interests;

maintaining our public lands heritage, historical uses, accessibility, and involvement in planning and management decisions; and

maintaining zoning ordinances and development regulations that are consistent with the County's General Plan development goals.

Public Lands/Federal and State Agencies

Ninety-two percent of Emery County is comprised of public land managed by federal or state agencies. County industries such as agriculture, mining, tourism, and recreation depend on the continued use and availability of these lands and their accompanying resources for economic growth and stability. Emery County acknowledges the existence of federal laws; such as the Endangered Species Act, the National Environmental Policy Act, and the Federal Land Policy and Management Act; under which federal land managers/agencies must work. However, these laws also specifically identify opportunities for local governments to participate in public land management decision-making processes. The County feels that federal and state agencies should more adequately consider and address the County's concerns, interests, and objectives as stated in the County's General Plan when fulfilling these regulations and enforcing these policies.

In response to these interests and concerns, the County will:

actively participate in all relevant public land management decisions;

show continued support for multiple-use management of BLM and USFS lands;

support responsible use of public land resources; and

work to preserve and maintain public land access routes, such as those recorded on the County's RS2477 filings.

Intra-County Relationships

We recognize and appreciate the diverse interests and independent nature of Emery County's communities. We feel that each community, and the County as a whole, can benefit from better community-to-community and community-to-County communication, coordination, and cooperation. County residents support the County's efforts to improve communication between County offices and residents by installing a 1-800 number to the County for agency assistance.

Human and Community Services

Education

Emery County schools are recognized statewide for their solid academic curriculum and athletic prowess. Continuing to build on this foundation is a top County priority. The County is committed to working with the Emery County School District to improve and maintain the quality of educational facilities, instructional materials, trained personnel, and outreach programs necessary to pursue this agenda.

Residents also desire an expansion of adult continuing education opportunities. The County is committed to exploring education and vocational training opportunities, particularly in the post-secondary level. This effort may include developing local technical schools or satellite-college campuses.

Emergency Services/Law Enforcement

We feel Emery County is a safe place to live and raise our families. We feel confident that our law enforcement, fire protection, emergency response, and search-and-rescue personnel and agencies are adequately prepared and trained. Maintaining this level of agency and personnel excellence is viewed as a necessity. We are dedicated to maintaining the quantity and quality of our emergency services/law enforcement personnel and agencies. We support emergency planning to prepare for any potential disaster. The County is also concerned about impacts on emergency services from growing recreational activities and wishes to address these impacts through appropriate assistance from recreationists and federal and state public land management agencies.

Medical Facilities

The Emery Medical Center in Castle Dale provides excellent medical care facilities and services. County residents desire to maintain this level of care. We also support improving facilities and services at the Green River Medical Center. Once these improvements are made, we support upgrading and expanding County medical facilities and services at both locations according to demographic demands and economic feasibility. Local medical facilities will also pursue establishing technology and tele-medicine links with Columbia Castle View Hospital and Wasatch Front hospitals.

Senior Citizen Services

Emery County acknowledges the need to provide adequate senior citizen care facilities and services. County residents are committed to expanding recreational, educational, and medical services and opportunities targeted for this sector of the population.

Transportation

Well maintained roads are the life-lines of Emery County. Residents needing goods or services beyond those provided by local businesses or agencies may spend hours traveling to locations that can provide them. As an example, residents living in Green River, some 50 miles from Castle Dale, must travel an indirect route two hours to reach the County seat. The County feels that several roads should be upgraded and improved to allow more convenient routes that are passable in all types of weather. The County has identified Buckhorn Draw and the Moore Cutoff Road as two possibilities.

The County has also identified the need to complete an adequate airport plan. In addition to identifying

additional airport sites, this document will include recommendations for expanding, upgrading and maintaining existing facilities.

Archeological/Cultural Resources and Facilities

Emery County has an abundance of prehistoric and archeological resources as well as a strong cultural heritage. Emery County's past, including dinosaurs, Native Americans, early settlers, and the mining industry, is proudly displayed and depicted in numerous museums and point of interest locations. Over the years, several community activities have become annual County traditions. The County feels that activities which portray historical events and/or facilities that display prehistoric, archeological, or cultural treasures should be adequately funded and supported on the community and county level. Along these lines, the County supports efforts to receive better financial returns on County investments in cultural resource facilities.

Water Resources

Adequate water quality and availability is the lifeblood of Emery County and is necessary for future residential, industrial, commercial, agricultural, and recreational development. Emery County will protect this valuable resource by promoting watershed protection measures and supporting the efficient management and use of water resources. The County supports the development, adoption, and implementation of water storage, distribution, and conservation plans by irrigation companies, industrial users, and municipalities. The County also feels that private water rights must be protected from federal and state encroachment and/or coerced acquisition.

Economic Development

In addition to maintaining a strong economic base due to coal mining and power production, Emery County strives to diversify its economy and build a broad employment and industry profile. The County currently supports expanding businesses through a number of economic development plans and small business assistance programs. The County will continue these efforts. As part of its *Economic Diversification Action Plan*, the County desires to expand and support retail businesses within the County and to develop additional youth-oriented and second-income employment opportunities. In this effort, the County will research emerging economic niches and trends and explore senior-oriented services. The County does not seek jobs that are not family sustaining and/or that have negative or overriding environmental, social, or public service impacts.

Recreation and Tourism

Due to its unique and varied landscape, Emery County provides a number of diverse recreational opportunities. The mountains, desert, forests, and water resources continue to provide wonderful settings for traditional recreational uses such as hiking, hunting, fishing, camping, and trail riding. The region is also becoming increasingly popular for non-traditional recreational uses such as mountain biking, river-running, and off highway vehicle (OHV) riding. The County desires to control and mitigate recreational uses and will consider devices to address impacts.

When evaluating potential recreational developments and investments the County will consider:

the County's ability to provide essential services (law enforcement, emergency services, water and waste management, search and rescue);

impacts on traditional recreational uses (example: OHV trail development at the expense of traditional hiking or riding trails.);

providing opportunities for youth and family-related activities. (Examples discussed include a recreation center, swimming pool, walking trails and an in-door arena);

targeting sectors of the tourist population for additional economic benefits; and

making all facilities consistent with ADA requirements.

Private-Land Use

Emery County understands the role that adequate and effective land use and development regulations play in designing communities and counties for the benefit and enjoyment of their residents. The County supports implementing land use and building regulations necessary to maintain and protect the County's existing rural character and scenic environment.

Emery County Value Statement - Citizens' Values and Priorities

We value the uncommon rural lifestyle that exists in Emery County. In every public discussion regarding Emery County's future, the desire to maintain our rural character and lifestyle emerged as the highest priority. The degree to which we succeed in preserving our rural quality of life is the yardstick by which all of our future plans, decisions and achievements will be measured.

We recognize that the way of life we cherish is based on core values and influences that have shaped our history and our culture, and make us what we are. As we plan for the future we understand the importance of protecting and maintaining the defining the values of our rural lifestyle, and passing them to the next generation. For this reason we feel it is important to make a declaration of these values:

We value the land. Our communities and families have been tied directly to the land for generations, and we remain close to the land, recognizing it as the source of sustenance and life. It was the land and its resources that attracted our forbears to this remote area over one hundred years ago, and this same land and its resources make it possible for us to live here today. Our lives and our livelihoods are directly connected to the bounties of the land.

We recognize the value of our most scarce natural resource -- water. From the day our first progenitors entered this valley until the present time, our greatest and most serious efforts have been directed to the protection and management of our water resources. Ultimately it is the availability of water that makes it possible to live on this arid land. It is water that makes it possible to grow our crops, to establish our communities, and to generate electricity in our power plants. Because of the scarcity of this basic resource, there is a fragile balance that makes survival possible.

We value our local economic base. Emery County has one of the strongest rural economies in the nation. It is based on the extraction of coal from numerous local coal mines, and the conversion of that coal into electricity in five power generation units. This industrial base was built through millions of dollars of investment, its product is used in every home, hospital, school, and business in this and neighboring states.

This present economic boom is viewed in stark contrast to previous decades of economic hardship and struggle. Understanding the difficulties of our recent past generates within us a strong appreciation for the economic stability we enjoy today. We appreciate the uniqueness of our economic circumstances. Our economic base makes it possible for us to have good jobs and incomes and still live in a rural

setting. It has made it possible for a new generation to live and prosper in Emery County, rather than seek jobs elsewhere as in generations past. We also place a high value on making these types of opportunities available to future generations. We envision a future in which new coal mines are developed, and new power plants are constructed, so a new generation can find productive employment and contribute to the good of society.

We value our strong tax base. We are able to enjoy clean and safe towns, wide-open spaces, and a sense of closeness and community that can only be found in a rural setting. Yet, we also enjoy amenities that are not always found in rural communities like paved roads, curb, gutter and sidewalks, libraries and museums, modern water, sewer, and secondary water systems with excess capacity, and excellent school facilities with state-of-the-art technologies available to both students and teachers. These amenities are made possible because of the tax base that our industrial developments have provided. We are ever diligent in our efforts to protect and preserve this tax base.

We value our agricultural base. Many of us either participate in some type of agricultural enterprise at the present time, or we have parents who were farmers and ranchers, and have learned first-hand the lessons and values that come from working with land and nature.

We cherish our local heritage and culture. Much of what attracts us to the San Rafael Swell are the people and places of our local history and folklore. Places like Swasey's Leap, the Old Spanish Trail, the ZCMI mine, Swasey's cabin, the M.K. Tunnels, and Temple Mountain are all examples of the historic treasures of the Swell that are an important part of our local heritage.

We value the remnants of ancient cultures that once lived in these hills and valleys -- particularly the Fremont Indian petroglyphs, granaries, baskets, and other items remaining in our area as a testament to the past. These too are part of our local heritage.

We value the beauty of our natural environment and the recreational opportunities it provides. An important part of our rural lifestyle is the enjoyment of the outdoors and open spaces that the public land surrounding our communities offers us. We enjoy "generations old" traditions, such as "Easterin," that are tied directly to the lands of the San Rafael Swell. It is our desire to manage these lands so that our descendants can enjoy them just as we have.

Definition of Rural Character and Lifestyle

We deeply appreciate the care and molding we received as youth from our families and our neighbors, who in our close-knit rural towns, make up our extended family. It is this sense of familial closeness, of knowing each other well enough to share our burdens, sorrows and joys that gives special meaning to life in our small towns, even though they may lack many of the opportunities and amenities of city. We feel privileged to be able to raise our own children in such a setting.

This closeness is further enhanced by strong family ties in our communities. Many families have lived here for generations and are a strong force in passing local traditions and values on from one generation to another. Many newcomers have also found they are soon enveloped in this community atmosphere, and become an integral part of our rural family. People who live in Emery County do so by choice, they value the quality of life in rural towns over the amenities and conveniences of larger communities.

The rural lifestyle we enjoy in Emery County is very unique, different from most rural settings because we enjoy the traditional attributes of small-town country living while at the same time enjoying many of the services and infrastructure found only in populations much larger than our own.

To enhance our quality of life we have made an investment in basic infrastructure that is the envy of most rural areas in the state. We enjoy well-maintained paved roads throughout the cities and County. We have invested in modern water, sewer, and secondary water systems. We have excellent school facilities which include gymnasiums and auditoriums readily available for public uses and enjoyment. Our communities are also enhanced by new libraries, parks, playgrounds, and museums. This willingness and ability to invest in superior infrastructure enhances our collective and individual quality of life, and is an important factor in defining the rural character of Emery County.

In addition to our outstanding infrastructure, we also enjoy a high level of basic government services, predicated on the concept that the best government is that which is closest to the people. Our local government institutions are strong, vibrant, and responsive to local citizens. Public safety is a high priority and is maintained with top-notch law enforcement services, as well as excellent fire departments and emergency medical services. Our belief in taking care of our own is demonstrated by providing a high level of services to our senior population through senior citizen centers, the RSVP program, the Meals on Wheels program, and by supporting a high quality nursing home facility.

All of this is made possible by the high standard of living and solid tax base that comes from a strong economy based on coal extraction. Coal mining, electrical power generation, and high-paying jobs associated with these industries, are the critical elements that make life in Emery County unique and viable.

Another important aspect of our rural quality of life can be seen in the traditional Utah layout of our towns -- well defined communities surrounded by open farm lands. This is the result of a strong commitment to keeping as much of our population and businesses within the city limits as possible. Concentrating these things within our communities has allowed us to be efficient in providing infrastructure and services and has made it possible for our communities to be strong and viable. This approach also contributes to the preservation of our limited agricultural lands as well.

Our agricultural lands and heritage are an important part of our rural character in Emery County. We appreciate and respect the lessons and values that are derived from working the land and working with nature. We desire to preserve our agricultural lands, both for its contribution to our economy, as well as for what it adds to the aesthetics and environment of our area.

The rural character of Emery County is defined by a people living in several small towns rather than in one central community. Each of our communities has its own personality, traditions, and defining cultural events, such as Melon Days, Peach Days, and Heritage Days, and many other celebrations and activities. Our communities maintain a healthy independence and enjoy friendly rivalries and competitions, but are still willing to pull together for the good of the County, and to increase efficiencies by sharing in the burden of providing services through such things as special service districts.

Our citizens have a strong sense of community and county pride, and pride in their personal property. Most of our communities have made strong commitments to beautification efforts and are renowned in rural Utah for their cleanliness and neatness. We have a strong commitment to preserving our local history and culture as evidenced the Castle Valley Pageant, an active Historical Society, outstanding museums, various history books, Pioneer Day celebrations, rock art restoration and preservation projects, and a successful county fair.

An important part of our rural lifestyle is the enjoyment of the outdoors, and the recreational and economic opportunities afforded by the wide open spaces of the public lands that surround us. In many ways our population is outdoor oriented. The use of surrounding public lands is an integral part of our economy, culture, and heritage.

The first European occupants of this valley came seeking forage for their livestock. The use of public lands is still crucial to the livestock industry, as well as to other sectors of our economy and culture, such as mining, logging, tourism, recreation, and other varied uses of public lands. The public lands are used for individual and family recreation activities, as well as for community-wide traditions such as "Easterin," and the rites of the annual deer hunt. We value the open spaces, the history, the accessibility, and nature related experiences that are part of our public lands heritage.

We have long been stewards of the public lands around us and this sense of stewardship is recognized as an increasingly important part of our rural way of life. We have always had a keen interest in the management of these lands, and desire full involvement in policies and management decisions that affect the public lands.

Emery County - SWOT Analysis

One of the basic tools of strategic planning is the SWOT analysis; an assessment of Strengths, Weaknesses, Opportunities, and Threats. In planning for the future of Emery County, the citizens have evaluated the threats to the current way of life, and the opportunities for improving communities and lifestyle.

The rationale behind many of the County's planning objectives and strategies is based on the citizen's perceptions of future opportunities and threats. Current plans and strategies are based on predictions and assumptions of future events. But the future is uncertain and unknowable. As understanding and perceptions of opportunities and threats change over time, Emery County's objectives and strategies will likewise require change and adjustment.

We have carefully identified and prioritized our values in the "Values Statement" section of this document. What follows is an assessment of the opportunities and threats as they apply to our values:

Threats and Opportunities

Threats

Political and/or natural reductions of our water resources

A declining tax base

A decline the our economy and lack of economic diversity

Continued reductions of mining and power generation jobs due to technological advancements

Loss of agricultural lands to development/ industrial and residential sprawl

Declining agricultural sector

Lack of city to city and county to city coordination and cooperation

Relaxation of zoning and beautification standards

Toleration of crime, gangs, disrespect for traditions and way of life

Too much growth, inflation of property values

An unmanageable influx of tourists and visitors

Restrictions on use of, and access to, public lands and recreation opportunities.

Destruction of landscape, air quality, and environment

Declining population as youth leave and the population ages

Opportunities

Construction of new community facilities and infrastructure enhancements:

community & senior centers, recreation facilities, water treatment and conservation investments, telecommunication advances

New education facilities and capabilities (community education center, technology advancements)

New tools and trends relating to the preservation of agricultural lands.

Strengthening local agriculture production and increasing value to agricultural products

Opportunities to diversify our economic base

Continued growth and support of local events and celebrations

Increasing interest and tourism in the area

Trends toward increased local involvement in the planning and management decisions of federal and state land management agencies.

Increased public awareness toward preserving our culture and natural surroundings

Increasing number of young retirees with time and talent to contribute to the community

In-migration from city dwellers wishing to escape to a rural area, increasing the local talent pool and population

Emery County Policy - Public Lands, Federal and State Agencies

Ninety-two percent of Emery County is public land managed by federal or state agencies. Because only eight percent of the county is privately owned, access to the surrounding public lands is vitally important to the quality of life in Emery County. Our watershed is mainly on public land. Our agricultural industry depends on grazing rights on public lands. Our energy industry is founded on coal mined under federal leases and on coalbed methane and natural gas wells which are primarily on public lands. Our pioneer heritage is evidenced by sites and structures many of which are located on public lands. The character of our people has been forged by their interactions with the lands around them. Thus, the management of public land has extensive affects upon the lives and well-being of Emery County's residents. Therefore, it is vital that Emery County have a strong voice in the planning and decision-making processes associated with these lands. The continued prudent use, protection and availability of public land and its accompanying resources are vital to the stability and growth of Emery County and its economy.

Emery County recognizes that federal land managers must operate under federal laws such as the National Environmental Policy Act, the Endangered Species Act, and the Federal Land Policy and Management Act. However, these laws specifically identify opportunities for local governments to participate in public land management decision-making processes.

It is the policy of Emery County to actively participate with federal and state land management agencies in the planning, development and establishment of resource management decisions and plans that will allow the management entities to effectively fulfill their responsibilities to manage our natural resources, while recognizing and addressing local needs and objectives, as stated in the County's General Plan. This will be accomplished through on-going planning processes and forums which provide the opportunity for local participation and partnershiping of the County with the various public land management entities.

To ensure greater County involvement in public land management, the County will:

actively participate in all relevant public land management decisions;

show continued support for multiple-use management of BLM, USFS, and State lands;

support responsible use and protection of public land resources; and

work to preserve and maintain public land access routes, such as those recorded on the County's RS2477 filings.

To accomplish these objectives, the County established the Emery County Public Lands Council.

With the foregoing objectives in mind, preservation of heritage, protection of the public lands and resources, development of a sustainable local economy and the protection of the rural lifestyle so prized by Emery County people, the Emery County Commission, with the support of the Public Lands Council, the Economic Development Department and the County-wide Planning Commission has developed specific land management proposals. The proposals, developed through extensive planning processes in consultation with local, state, and national agencies, reflect local economic, cultural, and recreational interests while, at the same time, safe-guarding the natural wonders of the landscape. These proposals are embodied in two documents: 1) *H.R. 3625*, a bill which was introduced in the United States House of Representatives on April 1, 1998 (reported out of the Committee on Resources August 7, 1998), "To establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area...", and; 2) *The San Rafael Swell - Our Treasure, Our Trust, A Comprehensive Management Proposal for the San Rafael Swell*. These documents are included as appendices in this Plan.

Public Lands Council

In 1995, the Emery County Commission organized the Emery County Public Lands Council to act as an advisory body to the County on natural resource and public lands issues. This was followed by the creation of the full-time position of Public Lands Director to serve as staff to the Council and to assist the County Commission and other county agencies with day-to-day handling of these issues. The Public Lands Council and its Director have proven to be more valuable than anticipated. The Council has provided a means for land management officials on many different levels to meet and exchange views, and has become a valuable source of information for the County in formulating policy and plans for addressing natural resource/public lands issues. In addition, the Public Lands Council and Director's Office have proven invaluable for gathering and disseminating information among interested parties. The Council has become a valuable resource to local citizens and government officials. County participation in federal and state planning processes has increased. The County will continue to develop clearly stated natural resource/public land objectives, and by so doing will continue to play a proactive role in public land management.

Public Lands Council Mission Statement

The mission of the Emery County Public Lands Council is to represent the public lands interests of Emery County and its citizens and to perform an advocacy role for the local stakeholders; to work in partnership with federal and state agencies in fashioning management decisions and policies affecting lands within Emery County; and to participate in the development, coordination, and implementation of the planning objectives of these various entities to ensure harmony between the objectives of these various entities and the Emery County Master Plan.

It is the intent and purpose of the Emery County Public Lands Council to aggressively preserve the community heritage of Emery County by vigorously participating in and influencing all public land

planning and decision-making processes on behalf of, and under authority of the Emery County Commission.

By creating the Public Lands Council, the County hopes to accomplish the following:

Improve dialogue and interaction between County residents and agency officials. Relationships will be strengthened and participants will gain a better understanding of County interests and agency operations as communication improves.

Receive input from Emery County residents who are interested in, and directly impacted by public land use decisions. The Public Lands Council will utilize the expertise of citizens by involving them in public land related decision-making.

Create a County public land issues clearinghouse. Members will review the State Resource Development Coordinating Committee's packet for issues relevant to Emery County. This information will be made available to the general public for review and comment. Recommendations from the Public Lands Council will be considered by County Commissioners when developing official County positions on issues.

Develop a forum for open and positive discussion of natural resource/public land issues. County responses to proposed plans, and recommendations for future policy will be well thought-out. Where applicable, conflicts between the County and land management agencies will be resolved at the local level.

Establish a forum for the open exchange of ideas. Natural resource/public land issues and opportunities can and should be constructively discussed and problems can be solved creatively in cooperation.

Position Statement--Emery County Public Lands Council

We, the people of Emery County, place high value on the lands of the San Rafael Swell, and it is our desire to preserve and protect these lands for future generations. We also place high value on preserving and protecting our communities and our local economy.

We believe it is possible to protect the lands without endangering our economy, and we believe that we can develop and expand our local economy without endangering the wilderness values of the lands of the San Rafael Swell.

Our concern is that federal Wilderness designation can pose a threat to our local communities and economy because of the effects its management can have on lands, water rights, air quality, public access and development outside the boundaries of the Wilderness designation.

In order to preserve the wilderness values of the San Rafael Swell without endangering the economic and cultural future of our communities, we propose the following:

- to protect wilderness values and wildlife habitat on the San Rafael Swell by creating designated wilderness areas and/or other management options.
- to use existing management tools available to the BLM in managing lands on the San Rafael Swell in order to place every desired and necessary protection on the land.
- to consider any reasonable protective proposal, including Wilderness, National Conservation Area, Area of Critical Environmental Concern (ACEC), Critical Habitat, and what we will refer to as an Enhanced Resource Management Plan, the San Rafael Swell National Heritage/Conservation Area.
- to support the BLM in the enforcement of necessary protection by developing County ordinances which compliment BLM management goals, and by using Emery County law enforcement personnel and resources to enforce these ordinances.

We also declare our willingness to work with the BLM in controlling visitation to certain areas by requiring permits and/or other such controls.

We are willing to extend these protections into perpetuity by including appropriate language in legislation.

We call upon all stake holders to put aside political posturing and rhetoric, and to join with us in doing what is best for the lands. If we put the interests of the lands ahead of politics, we can develop a management plan that will protect the wild values of the San Rafael Swell for current and future generations.

Common sense tells us that our communities and economy can continue to thrive without doing harm to the natural surroundings we cherish, and by the same token, the intricacies of our natural surroundings can likewise continue to thrive without the need to stifle our communities and economy. If we exercise vision and responsibility, nature and economy can peacefully coexist. They can and must coexist, because we place a high value on both!

Objective: *Active County participation in public land classification decisions....*

Action/Implementation Steps -

Actively participate in federal and state resource management decisions determining the classification and uses on public lands.

Position Statement--Wilderness Designations and other Public Lands Management Considerations

Emery County's position regarding proposed and potential federal wilderness designations on public lands within Emery County, as well as other public lands management considerations, is stated in the 1995 edition of the *Emery County Wilderness Proposal* (attached to the General Plan as an Addendum) and H.R. 3625, a Bill to establish the San Rafael Swell National Heritage Area and the San Rafael National Conservation Area (Appendix H).

H.R. 3625 was introduced into the 105th Congress in April of 1998. It reflects the most recent position of the County regarding public land management, including Wilderness designation. However, the *Emery County Wilderness Proposal* remains an integral part of the Emery County General Plan, because it contains a record of public comments received at public hearings during the process of its adoption.

Regarding the *1999 BLM State-wide WSA Planning Project*:

Emery County supports the wise use, conservation and protection of the nations public lands and the resources associated with these lands, including prudent and appropriate management prescriptions established to achieve wise use. These prescriptions may include designation of wilderness. However, the 1999 WSA Planning Project cannot be supported by Emery County. The entire project, including planning, inventory and identification of potential WSAs is inappropriate, inaccurate and flawed. Emery

County recognizes that use of the public lands is increasing, with a resultant increase in associated impacts. Emery County is fully supportive of management of the uses and prevention, minimization or mitigation of negative impacts associated with said uses. However, the County believes that wilderness designation is not an appropriate, nor effective, management prescription for the lands identified in the WSA Planning Project. Emery County believes that the current Resource Management Plan (RMP), if effectively implemented, provides the necessary and appropriate protection for the lands and resources. The problem is not the RMP, but rather, the lack of effective implementation and management of the RMP. That is why the County's "San Rafael National Heritage/Conservation Area" plan was designed around the current RMP and includes a scenario for improved manageability.

Position Statement--State Trust Land Trades

Emery County currently contains a several tracts of land managed by the School and Institutional Trust Lands Administration (SITLA) which are located throughout B.L.M., U.S.F.S, and privately owned holdings. The school trust lands are governed by a policy to obtain maximum income from their use. Many of these lands are adjacent to private and federal lands with high income potential. As a part the land exchange between the State of Utah and the federal government, some of the school trust lands from within the Escalante-Grandstaircase National Monument were exchanged for federal lands in Emery County. These lands will be managed to provide the highest possible financial return to the SITLA.

Emery County opposes any future proposal that would advocate the large scale exchange of federal lands in Emery County for school trust lands throughout other counties unless local inputs and concerns can be resolved to the County's satisfaction.

Emery County will become actively involved in any effort to influence management of state school trust lands within Emery County. The County will become involved in any future processes for the exchange of these lands and also to achieve a reasonable and balanced management strategy.

Position Statement--Oil and Gas Exploration and Extraction

Emery County is experiencing large-scale development of coalbed methane gas extraction. Emery County recognizes the development rights associated with oil and gas leases, and acknowledges the importance of oil and gas resources to our state and national economies. Emery County also recognizes the potential impacts on the landscape, subsurface, and overall environment, associated with these developments, which may impact traditional uses such as roads, watersheds, livestock grazing, wildlife habitat, view sheds, hunting, and recreational activities, and aquifers. Other concerns include noise pollution, dust control from roads and surface disturbances, the handling of saline water and its disposal,

and safety concerns from potential dangers like escaping gases and/or fires and explosions.

Emery County expects cooperation from the government and private entities involved as permitting, regulatory, and management work is conducted to achieve an appropriate balance between the industry's development goals, government regulations, and the desires of Emery County to maintain its stated cultural values. Emery County requires cooperation from the industry and the various government entities in minimizing, mitigating, and compensating for the potential impacts of oil and gas development, including exploration, extraction, and transport. Emery County also requires that a high priority be given to the reclamation of all potential disturbances (both surface and sub-surface) prior to the issuance of any permits and/or authorizations in the form of contractual and bondable guarantees.

It is also the position of Emery County to seek the highest reasonable compensation to local entities from oil and gas development in the form of mineral lease royalties, property, severance and other taxes, appropriate fees, construction and maintenance of related infrastructure and the acquisition and maintenance of related equipment, as well as related personnel costs.

Emery County also states its desire and intent to add value to its natural resources and by-products at the local level whenever feasible. Examples of adding value to these resources and by-products would include local industrial and residential uses of gas and oil resources, and the rendering of waste water resources suitable for local surface uses.

Position Statement--Multiple-Use

Emery County feels that public land should be managed under the "multiple-use and sustained yield" concept. Emery County's definition of multiple-use includes, but is not limited to, traditional consumptive and non-consumptive uses such as grazing, all-season recreation, timber harvest, wilderness, mining, oil/gas exploration and development, agriculture, wildlife, hunting, fishing, camping, historic and prehistoric cultural resources, and watershed.

County industries such as agriculture, timber, grazing, tourism, and mining depend on the continued use and availability of public land and its resources. Because decisions to alter the management and use of these resources directly impact County interests, Emery County must become an active partner in the preservation, protection, and prudent management of our natural resources, including local cultural heritage resources. Emery County recognizes the urgency for properly focused planning and coordination among the various entities, during resource management decision-making processes, to address increasing demands on public lands. Other wise, these resources may be lost if appropriate actions and programs are not implemented. To help accomplish this goal, the County has established a series of Memoranda of Understanding between Emery County and the Bureau of Land Management,

the U. S. Forest Service, the Utah School and Institutional and Trust Lands Administration, and the Utah Department of Natural Resources.

All public land agency management plans and proposals will be reviewed according to the County's multiple-use definition. The County will respond in a timely and appropriate manner to these management plans or resource-use decisions.

Because the management of public land directly affects the lives and livelihoods of local citizens, the County asserts that public land management agencies have an obligation to identify and address all environmental and economic impacts that might result from decisions to alter or discontinue traditional resource uses. The County will continue working to ensure that these impacts are fully considered by agencies during the decision-making process.

Action/Implementation Steps-

The County will actively participate in federal and state land management decisions by fully discussing public land issues/problems and possible solutions with land managers and other stakeholders. The County will adhere to the memorandums of understanding that have been established with land management agencies. The Public Lands Council will:

Advise County Commissioners concerning County-impacting resource use issues. The County Commission will forward its recommendations to land management agencies and organizations such as the Utah Resource Development Coordinating Committee, the Utah Department of Natural Resources, the Governor's Office, and local and regional BLM and USFS offices.

Gather valid data showing impacts to County residents if land management practices are altered or discontinued.

Propose land management policies and practices that meet County goals. One major goal is to protect the County's public land resources while allowing and encouraging responsible use of the same.

Submit written recommendations to County Commissioners for review and

consideration as official County position statements.

Participate in federal and state resource management planning processes during the scoping/issues identification and draft plan review/comment periods.

Notify County residents of current or proposed activities and solicit their input when developing County comments/responses.

Review federal and state resource management plans to determine how they meet the County's goal of multiple-use/sustained yield. This includes reviews of proposed modifications to existing uses.

Position Statement--Public Land Resource Use and Development

The public lands of Emery County provide abundant natural resources which include wildlife, forested areas, water, forage, minerals, and beautiful scenery. The responsible use and protection of these resources help provide the quality of life sought by County residents, and benefit the County economically. The County supports federal and state land management plans that allow the responsible use and development of public land resources and the expansion of related industries.

The County will actively participate in federal and state resource management decisions.

Under the direction of the County Commission, members of the Public Land Council will:

Identify areas and/or resources to be considered for future development. This shall include both consumptive and non-consumptive uses.

Advise the County Commission of resource use issues that might impact the County. Commissioners will provide input to appropriate government agencies, and will also contact special interest groups who are involved with specific resource uses.

Gather valid information relating to existing/proposed resource use and development.

Participate in federal and state resource planning processes during scoping/issues identification and draft plan review/comment periods.

Notify County residents of current or proposed activities and solicit their input when formulating County comments/responses.

Maintain a close working relationship with the BLM, USFS and State resource management entities, and attend resource planning meetings/work sessions as needed.

Review current and proposed federal and state resource management plans with respect to resource stewardship and use. The Council will determine how implementation of federal and state land management plans might affect County plans and goals.

Maintain contact with decision makers throughout the decision-making process. Federal and state land planning efforts will be monitored to ensure that County concerns and interests are heard and addressed.

As Utah's population grows and more demands are placed upon public land, "visitor management" is becoming as important as land management in the protection and wise use of resources. County services such as road maintenance, EMS coverage, and law enforcement benefit public land users. However, demands for these services are increasing and there is no mechanism in place that allows the County to recover associated costs. The County will work with land management agencies to preserve valid traditional uses, minimize human impacts, and at least partially recover the cost of County-provided services. Strategies might include (but are not limited to):

Separating incompatible uses (e.g. hiking and OHVs) in time and/or distance.

Using licenses, permits, user fees, or toll roads to control access and recover costs.

Bringing together diverse stakeholder groups to set goals, minimize land-use conflicts and resolve problems.

Educating the public on land-use issues and etiquette.

Emery County recognizes the need to protect and preserve the public lands for present and future generations. It is the stated position and belief of Emery County that there are many land management tools available that provide protection to public land and its resources in Emery County. Emery County desires to explore all available options and tools for public land management and apply those options that best fit the needs of local public lands on a case-by-case, area-by-area basis. By utilizing a broad array of options, and by allowing local involvement in the decision-making processes, Emery County is confident that the natural values of the lands can be protected without endangering the economic and cultural future of our communities.

Position Statement--Preservation of Cultural and Historical Heritage Resources

Emery County views the preservation and perpetuation of its heritage and culture, coupled with the development of a nationally significant heritage area and its associated heritage and tourism industries, as one of the County's highest priorities for planning and implementation for the next decade.

These objectives are the result of years of planning and implementation that preceded and have followed the adoption of the Emery County General Plan in 1996, and are a direct reflection of the objectives outlined for economic development, tourism development, public lands management and the maintaining of a rural character and lifestyle.

Cultural Significance

The people of Emery County and the San Rafael Region of Utah are part of a unique culture that has been molded by many forces and collective experiences over the years. This culture is reflected in the activities, institutions, architecture, literature, celebrations and character of our people and communities.

This unique culture has been shaped and defined by a history of reliance by its people on the lands and

natural resources of the area and their deep spiritual connection to them. Our cultural and historic resources are tied to the very essence of who we are and define the heritage we wish to pass on to future generations. The vast, wild nature of the San Rafael Region has done much to influence various aspects of our character and heritage. This area contains many spots that are significant not only for their beauty, but for the history they reflect and the part they play in local folklore. They are an essential component of our cultural framework and are viewed as significant heritage resources. These elements - the lands, the people and the heritage - are inextricably woven together in an enduring relationship that has evolved over time, one which the people of this area desire to be nurtured and preserved into the future.

The preservation of their heritage and cultural resources, including access to the sites and settings of local history, has great significance for the citizens of Emery County. These resources also have important significance for the American people, because they represent an important chapter in the history of the nation. Nearly all of the forces and movements that shaped the destiny and romance of the Old West have touched the San Rafael Region in one way or another.

In the formulation of the Emery County General Plan in 1996, preservation of a rural lifestyle was identified as a high priority to the people of Emery County. This goal will require managed growth and the preservation of the Western heritage discussed above, including access to the sites and scenery on public lands.

Economic Significance

Although coal mining and power generation will continue to be the mainstays of the local economy for the foreseeable future, they are subject to forces beyond local control. Thus the future of these segments of the County's economy is limited. Emery County recognizes the need for diversification of its economy, with an emphasis on sustainable, local businesses.

The development of a heritage area with its related heritage industries and heritage tourism offers the potential to address, in part, the need for economic diversification. Emery County views the growth of tourism as a significant trend in the future, with the caution that such growth must be managed and directed if it is to attract a high quality clientele and provide economic benefits to the local communities and citizens. One of the most important aspects of heritage tourism is its potential for spawning numerous local businesses. It provides the building blocks for local businesses that would deal in such things as handicrafts, art, theater and music, local foods, and guided activities.

Many of the major attractions for tourism in Emery County are associated with public lands. The scenic and recreational attractions of Emery County's desert and mountain landscapes are comparable to any in

the nation. By the same token, the history and the stories of the region are as fascinating and colorful as any to be found, and are as much a part of the landscape as the desert cliffs and the mountain peaks. By combining these elements of scenic landscapes with the stories they tell, Emery County has the potential to create a unique visitor attraction of national significance. The development of this type of industry offers potential for much needed economic diversity and an economic component that can be sustainable over a long period of time without depletion of natural resources or damage to the lands, culture and heritage so highly valued by the people of the County. Emery County views the creation of a National Heritage Area and the development of heritage and tourism related businesses as central components of its future economy.

Heritage Preservation

With the foregoing objectives in mind, preservation of heritage, development of a sustainable local economy and the protection of the rural lifestyle so prized by Emery County people, the Emery County Commission, with the support of the Public Lands Council, the Economic Development Department and the County-wide Planning Commission has developed a proposal for a national heritage area. This proposal is the result of years of planning and implementation, consultation with state and federal officials and other interested groups, and research into the requirements of federal and state laws.

In addition, the County-wide Planning Commission has commenced a thorough revision of the Emery County Zoning Ordinance to accomplish the same objectives. This effort is still in progress.

The most significant results of these efforts to date are the proposals formally articulated in two documents: 1) *H.R. 3625*, a bill which was introduced in the United States House of Representatives on April 1, 1998 (reported out of the Committee on Resources August 7, 1998), to "establish the San Rafael Swell National Heritage Area.....," and; 2) *The San Rafael Swell - Our Treasure, Our Trust, A Comprehensive Management Proposal for the San Rafael Swell*. These documents, particularly Title I of *H.R. 3625*, and the references to heritage and heritage development in *The San Rafael Swell - Our Treasure, Our Trust*, have received broad support and agreement from local citizens and interest groups as well as those in surrounding areas. The concepts therein are central to the planning objectives of Emery County with regard to the public lands within its borders.

However, despite the efforts, to date, of Emery County, the State of Utah, political subdivisions of the State, volunteer organizations and private businesses, realization of the full potential of the cultural, historic, natural and recreational resources of the region has not been achieved.

Emery County is beginning to be discovered by the outside world. As designation of Wilderness Areas in Southern Utah, as well as other changes in public lands management progress, more attention will be

directed here. The relatively unknown sights in this area will be publicized, and tourism will increase. At the same time, changes in national policies will result in the decline of extractive industries on public lands.

Retired persons and others seeking the unhurried and uncrowded qualities of the rural lifestyle are discovering Southern and Southeastern Utah, and Emery County will undoubtedly be impacted by the kind of growth seen presently in other parts of the State. This will be accentuated by increases in disposable income and leisure time and an increasing interest in outdoor recreation.

Emery County recognizes the urgency for properly focused planning and coordination among the various entities involved in resource management decision-making processes, in order to address increasing demands on public lands. Emery County is becoming an active partner in the preservation, protection, and prudent management of our natural resources, including local cultural heritage resources and must continue to be a strong voice on behalf of local interests. Otherwise, these resources may be lost if appropriate actions and programs are not implemented.

Emery County's proposal to create a heritage area is regional in scope and includes Carbon County and a portion of Sanpete County. To be successful, it will require the involvement and support of other government jurisdictions, tribal entities; state, national and local organizations; as well as participation by private landowners and public land managers. Emery County will coordinate its planning efforts in heritage development with those of other governmental and private entities.

It is of particular importance that Emery County continue to coordinate its planning efforts with state and federal land management agencies, in order to ensure consistency with local, state and national goals and objectives for heritage development. This planning coordination and consistency at the local level based upon the *Federal Land Policy and Management Act of 1976* (Section 202, Paragraph C.9)¹, the *National Environmental Policy Act of 1969* (Section 101(b) and b.4)², the *National Historic Preservation Act of 1966*, as well as a series of Memoranda of Understanding between Emery County and the Bureau of Land Management, the U. S. Forest Service, the Utah School and Institutional and Trust Lands Administration, and the Utah Department of Natural Resources.

Consistency with the National Historic Preservation Act

Emery County embraces the policies, procedures and objectives of the National Historic Preservation Act (NHPA) as the basis for cultural and historic preservation activities within the county, for establishing the responsibilities and preservation programs of federal agencies (Section 110), and for establishing the role of local governments as a participant in historic preservation planning and programs (36CFR 800.1, 2i).

The essence of the NHPA is expressed in the Acts' "Congressional finding and declaration of policy." This finding and policy provide the foundation and framework for the heritage development and federal agency cooperation objectives of Emery County,. To wit:

The Congress finds and declares that:

- (1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;*
- (2) the historical and cultural foundations of the Nation should be preserved as a living part of our community and development in order to give a sense of orientation to the American people;*
- (3) historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;*
- (4) the preservation of this irreplaceable heritage is the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;*
- (5) in the face of ever-increasing extensions of urban centers, highways, and residential commercial and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;*
- (6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist the economic growth and development; and*
- (7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its [own] historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.*

It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes and private organization and individuals to -

- (1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social economic, and other requirements of present and future generations;*
- (2) provide leadership in the preservation of the prehistoric and historic resources of the United States*

and of the international community of nations and in the administration of the national preservation program in partnership with States, Indian tribes, Native Hawaiians, and local governments;

(3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;

(4) contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organization[s] and individuals undertaking preservation by private means;

(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

(6) assist State and local government, Indian tribes, and Native Hawaiian organizations and the national Trust for Historic preservation in the United States to expand and accelerate their historic preservation in the United States to expand and accelerate their historic preservation programs and activities.

(16 USC Sec. 470, emphasis added)

Heritage Development Administration and Planning

Heritage development planning and activities within and involving Emery County will be under the direction of the Emery County Board of Commissioners.

Specific planning and implementation objectives and action items relative to heritage preservation and heritage area development will be developed under the title, *The San Rafael Western Heritage Area Strategic Plan*. This plan, to be developed under the direction of the Emery County Board of Commissioners, will be prepared and approved as an official county planning document establishing the county's policies and procedures concerning heritage development planning processes, objectives and activities.

The history and cultural heritage of Emery County are directly connected to the land. The sites and settings of this history and heritage are vital to their existence and continuance. Almost every aspect of local historic heritage preservation and development is potentially affected by public land management policies and decisions. For this reason, it is imperative that the cultural and heritage objectives of the County are considered in state and federal land management decisions, and that a spirit of communication and cooperation exist between Emery County and the public land management entities.

Emery County will continue to pursue its policy of active partnership with federal and state land management agencies in planning for such things as heritage site documentation, preservation, designation, site development and management, visitors and facilities management, access to heritage sites and districts, interpretation and education, fee collection and distribution, continuation of traditional and cultural uses, guided activities and business opportunities, and heritage promotion and marketing.

Priorities:

Emery County's priorities with respect to public lands management are as follows:

The protection and perpetuation of the history, cultural values and traditions of its people;

The preservation of the rural lifestyle enjoyed by its people, including reasonable access to those places with scenic and historical values in conjunction with its national heritage area proposal;

The development of a sustainable economy which is compatible with conservation of its natural resources and beauty; and

Continued active participation in management decisions concerning public lands within the county, including consultation with neighboring counties and local governments.

Footnotes:

1 Federal Land Policy and Management Act (FLPMA), Section 202, Paragraph C.9.

"Land use plans of the Secretary under this section shall be consistent with State and local plans to the

maximum extent he finds consistent with Federal law and the purposes of this Act."

2 National Environmental Policy Act (NEPA) Section 101, Paragraph b and b.4:

"In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may...

(b.4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice.

Emery County Policy - Public Lands Access

Emery County residents enjoy recreating and working on public lands. In order for these activities to continue, adequate access to public land resources, and across public and private lands must be available. Adequate and continued access to public lands is one of Emery County's highest public lands priorities. By "adequate access", the County does not mean "unlimited" access. The County acknowledges that access may be restricted to designated roads. Decisions affecting access must include concurrence from Emery County, following an assessment regarding potential heritage significance of subject road.

To ensure that the County's "access" questions and concerns are accurately identified and adequately addressed, the County will continue to maintain its RS-24 77 assertion and will participate in pertinent RS-2477 discussions and all other relevant federal and state land/road management decisions.

Objective: *County supports maintaining/preserving reasonable public land access....*

Action/Implementation Steps -

Actively participate in AOG, State, and UAC sponsored RS-2477 meetings and activities.

Preliminary recommendations include:

Reviewing the Governor's RS-2477 position paper and submitting written responses identifying consistencies (or inconsistencies) with the County's official position.

Participating in UAC RS-2477 meetings, reviewing draft UAC position paper, and submitting written responses identifying consistencies (or inconsistencies) with the County's official position.

This effort will also include:

Gathering/preparing valid data, including access and heritage site GPS data, relating to the negative impacts on the County if public-land access is limited.

Notifying interested County residents of current or proposed activities and soliciting their input when formulating County comments/responses.

Reviewing federal and state resource management plans in respect to public land access. Relevant issues include proposed road management decisions and/or "type of use" designations.

- Protect the County's access rights using whatever means necessary

Emery County Policy - Public Lands Recreation and Tourism

Due to its unique and varied landscape, Emery County provides a number of diverse recreational opportunities. The mountains, desert, forests, cultural, archeological, and water resources continue to provide wonderful settings for traditional recreational uses such as hiking, hunting, fishing, camping, site-seeing, snowmobiling, cross country skiing, and trailriding. The region is also becoming increasingly popular for non-traditional recreational uses such as mountain biking, river-running, and OHV riding.

In an effort to cover the costs associated with providing visitors with County-provided services, the County will develop a detailed tourism and recreation cost recovery strategy as part of its economic development plan. This effort will include gaining a better understanding of regional tourism trends and forecasts, assessing existing private and public recreational facilities and services, and identifying opportunities for growth and development.

County residents welcome visitors to the area and are interested in developing a profitable tourism industry within the County. However, the County feels that resident recreational interests should not be compromised or adversely impacted by these ventures.

Objective: *County supports responsible public land based tourism and recreation....*

Action/Implementation Steps -

When evaluating potential recreational developments and investments related to public lands the County will discuss and evaluate the following:

the County's ability to provide essential services (law enforcement, emergency services, water and waste management, search and rescue);

recreation impacts on traditional uses, e.g. campground expansion at the expense of grazing;

opportunities for family-related activities, e.g. additional campgrounds, interpretive markers, and walking trails;

facility development and maintenance "partnerships" with agencies and special interest groups, particularly regarding heritage sites.

Emery County Policies - Private Land Use and Development

Emery County supports developing, adopting and implementing the land use and development regulations necessary to maintain and protect the County's existing rural character and scenic environment.

An important aspect of our rural quality of life can be seen in the traditional Utah layout of our towns -- well defined communities surrounded by open farm lands. This is the result of a strong commitment to encouraging as much of our population and businesses to locate within the city limits as possible. Concentrating development within our communities has allowed the County to be efficient in providing infrastructure and services and has made it possible for resident communities to be strong and viable. This approach also contributes to the preservation of our limited agricultural lands.

The County feels that residential, commercial, and industrial development should be allowed to continue in a responsible manner and in locations that contribute to the economic and social well-being of County residents. Within this context, the County recognizes and intends to protect Constitutionally provided private property rights.

Emery County encourages the Planning Commission to address the following issues and make the appropriate revisions and amendments to the existing County land-use ordinances and development regulations.

Specific issues identified include:

watershed protection (addressed in Water Resource section)

open-space/agricultural land preservation

adequate industrial and commercial zones

residential zones

meeting the costs of new development

logging operations on private lands

Emery County Policy - Open Space/Agricultural Land Preservation

Emery County residents enjoy a rural atmosphere and lifestyle. The areas of open-space/agricultural land contribute to the "country" feel. The County desires to preserve agricultural lands, for both its economic and aesthetic benefits. The County is interested in exploring open-space/agricultural land preservation techniques and alternatives.

County residents also feel that the existing zoning ordinance should be revised to include an "agricultural commercial uses" zone, so the wide variety of agricultural related land uses can be better described and accommodated in the ordinance. Examples include roadside fruit stands, dairy farms, etc. The ordinance will also include "nuisance provisions".

Objective: *Emery County supports amending the existing zoning resolution to include an "open-space/agricultural" zone....*

Action/Implementation Steps -

The Emery County Planning Commission will review the existing ordinances and take into consideration the County's preferences as listed above.

Emery County Policy - Industrial and Commercial Zoning

The existing County zoning resolution includes one industrial (I-1) and one commercial (HC-1) land use classification. Definitions for these zones and development stipulations attached to each fail to include a variety of low impact commercial and industrial uses now emerging in the County. Specific examples include premise occupation and seasonal businesses.

The existing ordinance requires all industrial or commercial development, regardless of size or anticipated level of impact, to follow the same application procedure and planning commission review process. For example, under the existing ordinance, a commercial welding operation may be subject to the same review process as an oil refinery or coal mining operation.

The County feels that the existing zoning resolution should be amended to include an appropriate number of commercial and industrial zones. The ordinance should clearly identify the purpose of each zone, the permitted and conditional uses allowed, and the appropriate level of County staff or planning commission review necessary for approval.

Objective: *Emery County feels that the number of existing industrial and commercial classifications should be expanded to include low-impact commercial and industrial uses....*

Action/Implementation Steps -

The Emery County Planning Commission will review the existing ordinances and take into consideration the County's preferences as listed above.

As stated, the ordinance will clearly identify the purpose of each zone, the permitted and conditional uses allowed, and the appropriate level of County staff or planning commission review necessary for approval.

Planning Commission recommendations are to be reviewed by the public and recommended to the County Commission for public hearing for adoption as part of the County's Land Use Plan and Zoning Resolution.

Emery County Policy - Residential Zoning

Over the past few years, manufactured and modular homes have emerged as a viable building alternative to stick and/or masonry construction. As a larger percentage of home builders choose this option, planning entities will be required to consider and include this type of construction in their zoning ordinances and development codes.

The existing Emery County Zoning Resolution does not adequately address mobile homes, and does not adequately define manufactured or modular homes. The County requests a clear definition and recommendation from the Planning Commission on this matter.

Objective: *Emery County desires to adequately address the issues of manufactured and modular homes and to clearly identify the zones in which such dwellings may locate....*

Action/Implementation Steps -

The Emery County Planning Commission will review the existing ordinances and consider the County's preferences as listed above.

Planning Commission recommendations are to be reviewed by the public and recommended to the County Commission to be adopted as part of the County's Land Use Plan and Zoning Resolution.

Emery County Policy - Meeting The Costs of New Development

The County is concerned about its ability to provide an adequate level of services as growth in the unincorporated areas of the County continues. As one citizen of the County stated: "Tax payers of the County cannot pick up the costs of new development." It is the County's position that new development should be required to pay its own way.

The County will develop, adopt, and implement cost-recovery strategies as necessary to provide and finance the levels of service required by new development.

Objective: *The County Planning Commission will identify cost-recovery options and recommend revisions to the existing land use ordinances....*

Action/Implementation Steps -

Under the direction of the County Commission, the County Planning Commission will explore alternative ways to finance services provided to new development.

The Planning Commission's recommendations are to be reviewed by the public and recommended to the County Commission for inclusion in the County's Land Use Plan and Subdivision Ordinance.

Emery County Policy - Transportation

"The San Rafael Swell area offers a unique multifaceted recreational resource of national significance. An area of deep canyons, broad mesas and stunning vistas, it is unusual in that it is both unsettled and easily accessible. County roads and broad wash bottoms network the area and Interstate 70 bisects it. It has long attracted Utah residents as a recreational destination but has been largely overlooked by others." *Bill Orton*

Historically, roads have been the inevitable consequence of the development of Emery County's resources and unique recreational opportunities. Transportation is therefore intrinsically connected to the County's economic vitality. It has been stated "that it was the land and its resources that attracted our forbears to this remote area over 100 years ago." It is clearly evident that the County's system of roads necessarily link the people to those resources and enable residents to sustain their way of life. The County's transportation system primarily consists of roads; rail remains undeveloped and limited to the extreme northern and eastern fringes of the County.

Years of economic prosperity from coal mining and electric power generation allowed Emery County to flourish and provided wonderful opportunity to improve its transportation infrastructure. There are high quality coal haul roads connected to state highways, and a rail head to local power generating facilities. The County's roads also connect the various communities to one another as well as provide convenient access for residential, cultural, and recreational uses and for access to resources such as grazing, agriculture, oil and gas development, water, and timber. More importantly the thoroughfares crossing the public domain tie residents and visitors to the land and its unique beauty.

Of the 2.9 million acres of land comprising Emery County only 268,900 (9.2%) have been identified as roadless. A recent UDOT report indicates that jurisdictional roads claimed by the state, County, cities, Forest Service, BLM and National Parks total 1,786.73 miles. It is estimated that there are at least as many more R.S. 2477 roads across public lands leading to old mine sites, abandoned and active claims, ghost towns, old homesteads, archeological and geological sites, petroglyphs, cattle grazing areas, ponds, drill sites, seismological roads, recreational, and scenic areas; all still actively in use. The County's network of roads have been important to the formation and enjoyment of Emery County's unique character.

Public Access

It has been the declared policy of Emery County to work to preserve and maintain public land access routes and cooperate with the various state and federal agencies and special interest groups regarding

land use policies. Government agencies and users will recognize the County's right to assert its preemptive authority over all claimed roads with inherent rights to access and maintain said roads to safe applicable standards while allowing continued multiple use and development of our lands as originally granted by the Mining Act of 1866 and as specified by R.S. 2477 and in compliance of FLPMA.

SWOT Transportation Analysis

The SWOT analysis is a basic tool of strategic planning. It is a systematic assessment of Strengths, Weaknesses, Opportunities, and Threats. In planning for the future, the citizens of Emery County evaluated potential threats to, and identified specific values of the County's transportation infrastructure.

Strengths

Emery County benefits from an efficient road system which accommodates most any type of transportation that supports industry or manufacturing. Though remotely situated from the Wasatch Front, it is linked to major state highways with access to nearby Interstate 70. Rural native and gravel roads cross public lands and are second-to-none for ease of access and year-round maintenance. It is possible to visit most recreational, cultural, and scenic areas in the County with any type of two wheel drive vehicle.

Objective: *Continue to preserve sustain, and improve all facets of our road network to accommodate future development and settlement.*

Weaknesses

Roads in and across the public domain must undergo normal processes of maintenance and reconstruction. These processes can be subject to costly delays from special interest groups hosting environmental appeals and endless governmental "red tape", even though the roads were established long before current regulations and environmental sensitivities were considered applicable to Emery County.

Extensive deep coal-bed methane extraction will require numerous development roads which will seriously impact the unimproved native portions of the County's road system. The product extracted from the mines is transported by pipeline, causing the access roads to be only incidental to the industry, and of little use to the local economy, therefore, not a worthwhile County investment. It is further noted that local users occasionally are interested in incorporating development roads into the existing network,

often at significant expense to the County.

Despite a revived interest in 1992 to bring a spur into the vicinity of North Huntington Lake and State Highway 155, a rail system was never expanded into the interior of Emery County. Speculation suggests that it would have had a stabilizing effect on the County's economy, allowing other resources to be effectively developed. It is indeed unfortunate that Emery County's superior coal is handicapped with the costs of road transportation included in its unit prices, thereby placing the County at great disadvantage in the coal market.

The County has identified the need to complete an adequate airport plan in the future. The airport is tentatively planned to be located east of Castle Dale on the Oil Well Dome. The existing facility north of Huntington will eventually host only very small aircraft and hobbyists.

Objective: *Sustain access across public lands while improving roads to acceptable safe standards.*

Objective: *Prepare our infrastructure to withstand deep coal-bed methane development with minimal adverse effects.*

Objective: *Pursue future Airport Development Plan.*

Action/Implementation Step:

- If feasible, develop rail further into the interior of Emery County to offset excessive transportation costs and open a broader market potential.

Opportunities

Emery County's modern infrastructure is essentially in place, providing ample opportunity to develop other types of industries and expand tourism and recreation. Current plans are to improve roads leading to Goblin Valley State Park, Castle Dale to I-70, (through the Buckhorn Draw), Moore to I-70, and Joe's Valley road to State Highway 31.

Upgrading these vital County roads will allow for continued expansion of already existing industries and new economic development in the area. The County's road network enables tourists passing through the state ample opportunity to conveniently access recreational, cultural and local communities located in the County, then easily loop back onto their original travel routes.

Expansion of an information technology infrastructure with fiber optics and a link to the state wide area network would also serve the County well. It would allow for commerce and employment opportunities without impacting the County's rural quality of life. Development of a technological infrastructure is relatively inexpensive and would encourage technological industries to locate in the County.

Easy access to I-70 offers the potential for merchandise warehousing and distribution center development and further development and of gypsum processing and distribution.

Objective: *Focus on upgrading the tourist loop roads concept to stimulate that industry.*

Objective: *Encourage warehouse distribution industries to locate with direct access to the I-70 corridor with special attention to gypsum related industries.*

Objective: *Encourage the development of technology infrastructure to facilitate electronic commerce and encourage technology-related industries to locate in Emery County.*

Objective: *Encourage roads to be constructed or improved by development interests and assure they meet acceptable standards for safety, structure and widths as determined by the County Engineer or Road Department Supervisor in compliance with the existing Road Encroachment Ordinance 8-7-85 A or as amended.*

Threats

Emery County's economy ranks as one of the strongest in the state, yet, residents still do not feel stable because of the fluctuating coal market, an eroding tax base, and high unemployment. These factors directly impact future road development plans, and prospects of bringing rail further into the County. A minerals based economy is dependent on available resources and market demand. The County feels that continued environmental lockup of County areas with abundant resources that have been historically accessible for traditional uses, is a real threat to our economy. This prospect also threatens development of potential recreational resources and limits access to public lands. Many of our primary desert or mountain roads could be eliminated by the BLM/USFS, or be subject to improvement activities so restricted by regulations and litigation that the County cannot sustain them. The County is required to keep roads to applicable safe standards which has been a contentious issue between the County's asserted RS-2477 rights and BLM/USFS management policies.

Continued assertions by the Office of Surface Mining (OSM) to regulate County roads serving coal mines continues to be a viable threat. Success on their behalf to usurp County authority could lead to significant environmental problems associated with our haul roads. Their efforts in the past have been to regulate the road in its entirety if it in any way serves a coal mine. One can only imagine what potentially lies ahead in gas well development if OSM successfully interprets for the Division of Oil Gas & Mining (DOG M), who has been more reasonable to work with in the past.

Minerals currently being mined and exported by non-local companies continue to negatively impact County roads. The County does not have legal authority to exact a special impact/severance tax on these activities. The largest threat may be lack of economic development activities. If the County does little or nothing to encourage low impact industry to locate within its borders, an economy specialized in tourism with its accompanying lower tax base may result, leaving the County unable to continue its high level of transportation infrastructure maintenance.

Objective: *Continue to resist assertions by government and special interest groups seeking to control the access across public lands and lockup potential valuable resources.*

Objective: *Lobby the state legislature to sponsor a bill to allow taxing of other minerals to offset local impacts.*

Objective: *Focus on the development of telecommunications related industries, recreation, tourism, warehouse/distribution centers and other minerals industries.*

Transportation History and Background

The vast majority of County roads which lie across the public lands were established in

accordance with the 1866 Mining Act. In 1873, Section 8 of the Act received a codification called Revised Statute 2477 which stated that "the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." A highway by definition in 1867 was adequately defined in Burrill's Law Dictionary as: "a public way or road; a wagon passage open to all; a way over which the public at large have a right of passage." (Salt Lake Tribune)

It was those "Acts of Congress" which were enacted to help facilitate the settlement and development of the Western public lands. Yet in 1964, the Wilderness Act was implemented endeavoring to secure and reserve vast tracts of the public domain for future preservation. Section 4 (c) of the Wilderness Act of

1964 specifically states that there shall be "no permanent road within any wilderness area" and except for the purpose of administration, "no temporary road," and "no use of motor vehicles" within any such area. Section 2 (c) of the act, defines wilderness as "Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (2) has outstanding opportunities for solitude."

In 1976 the Federal Land Policy and Management Act (FLPMA) was passed repealing the RS-2477 policy. Heavy prodding of the federal government by powerful special interest environmental groups has caused a systematic squeezing off of access to much of the public lands. Every new BLM Resource Management Plan or Forest Plan endeavors to drastically reduce or eliminate travel and access opportunities across public lands. Obviously this "policy" in closing or limiting access through the public domain is having immediate impacts to citizens and potentially jeopardizes Emery County's economic future by severing the land and its resources from its people. It is particularly important to understand that the County and the state are only trying to maintain access to historic travel routes not necessarily create new ones.

The first railway to penetrate Emery County was the Utah & Pleasant Valley line connecting Springville to the Pleasant Valley coal deposit, which later became known as Winter Quarters. The U&PV line was short lived and by 1882 had financially faltered and was sold to the Denver & Rio Grande Western Railway which eventually became the primary railroad in Emery County.

In 1880, the Denver & Rio Grande Western made plans to construct rail services from Ogden, Utah to the Arizona border through the Sevier Valley Railway. A branch of this line eventually would proceed east from Salina, Utah and connect at a point later to be known as the Castle Valley Junction, eight miles south of Cleveland. The line would then travel through the Buckhorn Flat and along the south foot of Cedar Mesa on through Tidwell Draw and over into the Cottonwood Draw and Salaratus Washes, finally passing through Green River City. A line also from the Castle Valley Junction would pass east of Cleveland and Elmo connecting the Soldier Summit to Spring Glen line.

Abruptly in 1881 all work ceased on the lines from Spring Glen to the Castle Valley Junction and to Green River via Cedar Mesa. The expensive 121 mile line with only five miles remaining to grade completion was forever abandoned in favor of an alternate line which would be constructed just east of Price, follow down the Price River Drainage through the Grassy Trail Creek Drainage and Woodside, eventually connecting Green River, Utah. Evidence of the old rail grades to Castle Valley Junction are still visible in 1996. Some of the old railroad grades eventually became County roads and the plan for the southern route connecting Castle Dale, Ferron and Emery with Salina faded into history.

Emery County Policy - Economic Development

Business Expansion and Retention

County residents feel that economic development efforts should focus on existing business expansion and retention. With the assistance of Utah State University, the County will conduct a feasibility study. Subsequent information will be used to identify the opportunities to expand markets for existing in-County businesses.

The County currently supports business through a number of economic development plans and small business assistance programs. The County will continue these efforts.

Value-added Agriculture

County residents feel that local agricultural operations produce high quality agricultural products. The County feels that this agricultural strength should be further developed. The County expresses an interest in pursuing "value added agriculture" options as a subsection of business expansion and retention. Opportunities within this area will be explored with the assistance of the local USU extension agents and offices.

Telecommunications

Adequate telecommunications technology is vital to the future of Emery County. Technology will increasingly affect numerous aspects of life in rural Utah, including business, employment opportunities, education, health care, banking and finance, government services, and entertainment. The County recognizes that benefits from the Information Highway can only be realized if the County has adequate access to these services. The County will pursue this interest by joining with other counties within the region to ensure that eastern Utah's Telecommunication/Information Highway interests are heard and adequately addressed.

The policy of Emery County is to give first priority to supporting local providers of telecommunications technology and services whenever feasible in order to strengthen local technological capacity as well as to strengthen the local economy.

Small Business Assistance

County residents feel that additional economic growth will come from within the County and from the small business sector. A key to stimulating small business growth is adequate small business assistance. County entrepreneurs have several resources available for assistance including the Emery County Economic Development Department and neighboring colleges and universities. The County encourages better "advertisement" of their valuable services and resources.

Emery County Economic Diversification Action Plan

Emery County's economic development strategies and objectives are stated in the current edition of the *Emery County Economic Diversification Action Plan*, which has been developed through public planning processes by the Emery County Economic Development Office.

The current edition of the *Emery County Economic Diversification Action Plan* is declared to be an integral part of the Emery County General Plan, and is attached to the General Plan as an Addendum.

SWOT Economic Analysis -- Industrial Base And Economy

In planning for the future, the citizens of Emery County evaluated potential threats and identified specific values of their current economy and way of life, then identified opportunities for improving communities and lifestyle for the future.

Strengths/Opportunities

The key to Emery County's economic future lies in diversifying the economy while it is healthy. It is vital to begin now in pursuing economic development opportunities that will diversify the present economic base and provide added income to families and communities in the future. Opportunities for strengthening and diversifying our economy can be found both from within and without Emery County.

Opportunities for economic development from within are found in the vision, resourcefulness, and entrepreneurial spirit of the citizens of Emery County. Our first priority must be to retain, strengthen, and expand our existing businesses. Nationwide, eighty to ninety percent of all new jobs are created locally through business expansions and start-ups.

Value added agriculture is key to expanding the current agricultural base by establishing another level of production before products are exported from the County.

Technology threatens employment in the coal mining and power production industries but it potentially could bring increased opportunity to rural areas by enabling off-site employment.

Perhaps the most promising opportunity for strengthening our local economy lies outside Emery County. Utah's urban economy is one of the strongest and fastest growing economies in the nation. The effects of this growth such as congestion, crime, pollution, over-taxed infrastructure, and a depleted work force is causing some businesses and individuals to look elsewhere for a higher quality of life.

The Emery County Economic Development Board will develop a county-wide economic development plan. County citizens have identified the following issues as their economic development priorities. The issues and considerations mentioned above are to be used as guidelines for the ECEDB effort.

Weaknesses/Threats

Emery County's economy is one of the strongest rural economies in the state of Utah, but its long-and short-term stability is threatened by both global and local trends. The high paying jobs in Emery County's coal mines and power plants provide residents with the highest average monthly payroll wage in the State, according to the Department of Employment Security. However, over the past decade many of these jobs have been eliminated by technological advances which is a trend likely to continue.

Coal mining employment in Emery County declined by 50.6 percent between 1980 and 1993. It has declined 68 percent statewide during that same period. Most of this decline is the result of new technologies and mining methods, such as longwall mining, which enables higher coal production with fewer employees.

Power production related employment may be similarly threatened by the development of new technologies. Regional and global competition is forcing power plant employment downsizing. Automation of many of the plant's operations, could have the same effect on power plant employment as longwall methods have had on coal mining jobs.

New technologies, particularly computer and telecommunications technologies, could also have a negative impact on jobs in other sectors. Utah Power and Light (Pacific Corp.) has already announced the closure of its customer service operations in rural areas which will be replaced by a centralized service center. Likewise, many bank functions that were once performed in rural offices are now either being automated, or are being performed in large processing centers.

The long term outlook based on present trends indicates that technology may also lead to the use of alternative forms of energy, and/or to more cost efficient means of producing electricity. With this potential, it is essential for Emery County to watch the development of local methane gas fields and to ascertain the likelihood of replacing coal-fired turbines with gas-fired turbine(s).

There is also a concern in the County, as in many rural areas in the West, that traditionally high-paying resource-related jobs are gradually being replaced with low-paying, service sector jobs. Several factors have influenced this transformation. The County is working to understand the changes in the resource-based national and global markets, as well as the overall changes in the national economy and the demographics of an aging, more recreation-focused population in order to make this transformation as profitable as possible, with the least negative impacts on the County's economy.

The ultimate threat to the County's economic base is the depletion of natural resources -- particularly coal, which is being depleted at an alarming rate. The County's resource-based economy is not sustainable.

Emery County Policy - Recreation and Tourism

Position Statement of the Emery County Travel Bureau:

Tourism development in Emery County must be carefully planned and managed as defined by local government and private industry and supported by state, federal and regional partners. Regional, state and federal coordination is vital.

Tourism efforts in Emery County will focus on each of the following areas:

- Tourism Assessment
- Promotion
- Impact Mitigation
- Industry Development

Tourism Assessment

Emery County will conduct a tourism assessment to determine the benefits and costs of tourism in Emery County. Such an assessment would be expected to determine the number of tourists visiting Emery County, how many days of the year, peak seasons for visitation, and purposes for visitation. The assessment would determine the economic impact of various forms of tourism in all areas of Emery County and indicate the costs of providing public services for tourists, and the impacts of tourism on the quality of life, natural resources and culture of the County.

The assessment would identify what infrastructure developments are needed to increase the benefits of tourism to Emery County and would provide a feasibility study concerning the construction and operation of such facilities. It would indicate which tourism markets would provide maximum economic benefit and minimum impact to Emery County. This assessment will be the responsibility of the Economic Development Office in coordination with the Governor's Office of Planning and Budget and the Center for Rural Life at Southern Utah University.

Tourism Promotion

Emery County seeks to promote developed tourism sites and events throughout the County. Promotion of undeveloped sites will be limited to the Black Dragon, the Green River and selected areas south of I-70. The Emery County Travel Bureau will be responsible for promoting these areas and will work to coordinate its efforts with federal, state and regional agencies involved in promotion. The Bureau will use its influence with those agencies to restrict their promotional efforts to these areas.

Special interest and education-oriented promotional materials will focus on areas such as:

- Biking along the Green River
- River rafting on the Green River
- Green River City as a hospitality area for travelers on I-70 and for visitors on the Colorado Plateau

- Trails

- Walking Tours

- Historic sites and Museums

- Golf Courses

- State Parks

- Special events -- Promote events in shoulder seasons

Promotion of windshield tourism will be minimized.

The Chamber of Commerce will take responsibility for coordinating special events which attract tourists. The Chamber will assist with providing information about attractions and events to tourists. Sponsors of special events will be responsible for promotion.

Tourism Mitigation

Emery County seeks to mitigate the negative impacts of tourism. Mitigation implies management of impacts such as:

- Cost of providing services
- denigration of natural, cultural and archaeological resources
- negative impacts on local quality of life.

Emery County realizes that tourism mitigation also implies visitor management and proposes the following actions to manage the activities of people using public lands:

- Direct access (guide people to areas of least impact)
- Designate camping areas

-Public

-Private (Induce private owners to build campgrounds closer to use areas such as Millers Flat or Cleveland Reservoir)

- Permit access to certain areas depending on use

(Will require legal justification for this action, such as risk management; i.e., in the interest of public safety only certain activities or vehicles are permitted in an area)

- Issue a license to use the roads in the San Rafael Swell. Local people will receive one when they license their vehicles.
- Require outfitters from out of the area to obtain a transient business license.
- Encourage federal and state governments to permit certain tourist uses of public lands.

Tourism mitigation is the responsibility of the Emery County Public Lands Council. However, the directors of the lands council and travel bureau should have reciprocal memberships with each entity to

ensure maximum coordination of promotion and mitigation efforts.

Industry Development

Emery County will seek to develop tourism services and infrastructure. These include, but are not limited to:

- Outfitters
- Motels
- Restaurants (Identified as the most needed service to allow growth of tourism industry in western Emery County.)
- Bed and Breakfasts
- Reservation Services
- Equipment rentals
- Trail systems
- Camping infrastructure

The Emery Economic Development office will be the catalyst for infrastructure development and provide technical assistance when requested to private individuals interested in developing tourism infrastructure.

Objectives and Strategies

Objective 1: *Promote Green River to I-70 travelers as an interesting and entertaining place to visit and as an ideal place to stop for meals, lodging, golf, museum, enjoyment of the river, etc.*

Action/Implementation Steps--

- A. Create an image, theme and/or logo, which will be intriguing and inviting to travelers, which will entice travelers to stop in Green River.
- B. Place billboards in strategic locations along I-70 to promote Green River as an attractive place to visit and stay.
- C. Distribute Green River brochures at key tourist attractions and visitor's centers along I-70.

Objective 2: *Fully develop the tourism potential of Green River City.*

Action/Implementation Steps--

- A. Continue to develop and improve public tourism infrastructure such as the museum, golf course, Green River State Park, and river attractions.
- B. Give Green River highest priority in the expenditure of Travel Bureau promotional monies.
- C. Design and publish a Green River brochure which touts the amenities of Green River and which targets the interests and types of travelers and tourists most likely to visit Green River City.

Objective 3: *Promote Green River as the gateway to Utah's Canyon Country and as ideal destination/staging area for Canyon Country activities.*

Action/Implementation Steps--

- A. Promote Green River as Canyon Country's gateway city.
- B. Publish a brochure/map which shows Green River's ideal location as a destination and as a staging area for visiting attractions in the Colorado Plateau's canyon country.
- C. Target the "gateway" campaign to Wasatch Front residents through radio advertising and by placing the map brochure in key visitor's centers and tourist attractions.

Objective 4: *Identify and/or create revenue sources to pay for the costs of providing essential County services to the tourism industry such as medical, law enforcement, and search and rescue services, and identify ways to keep these costs to a minimum.*

Action/Implementation Steps--

A. Work with state agencies, other counties, and the legislature to create new tourism financing/tax revenue distribution options to help counties pay for the costs of providing emergency and other services.

B. Explore the potential for requiring various types of fees, licences and permits to pay for services and to control uses of various public lands resources.

C. Explore the potential for creating some form of "Emergency Services Insurance Policy" to help pay for the costs of search and rescue and emergency medical services.

D. Explore ways to combine and coordinate federal, state, and local resources so that monies are leveraged and expenses are not being duplicated by various levels of government.

Objective 5: *Work in partnership with federal land management agencies to devise strategic plans for tourism which focus on visitor management, minimization and mitigation of tourism impacts, resource preservation, and preservation of local and traditional uses.*

Action/Implementation Steps--

A. Public Lands Council will execute a Memorandum of Understanding with the federal land management agencies to legally establish Emery County's role in planning and management processes involving public lands in Emery County.

B. The Public Lands Council will work with federal land management agencies to develop various planning options and scenarios for public lands use plans to be presented to the public for input and comment.

C. The Public Lands Council will work with federal land management agencies to develop and implement public land use plans based on input and comment from the

public and other entities.

Objective 6: *Conduct a tourism assessment study for western Emery County which assesses tourism potential, identifies target tourist markets and local tourism opportunities.*

Action/Implementation Steps--

A. The County will facilitate meetings with the various local entities involved with tourism to determine the type of data collection and questions that need to be included in a tourism study.

B. Emery County will pursue the San Rafael Region Futures Project initiative to assess tourism and tourism potential within Emery County, as well as the role of tourism in the broader economy of the County.

C. Emery County will pursue the community survey objectives outlined in its grant application to the US Forest Service.

Objective 7: *Facilitate the development of a "low-impact, high-value" tourism industry in Emery County.*

Action/Implementation Steps--

A. The Emery County Economic Development Office will take the lead in encouraging and supporting business opportunities within the County related to guided, and other value-added forms of tourism

(refer to Emery County Economic Diversification Action Plan).

Objective 8: *Develop and apply cost/benefit analysis to tourism planning and decision-making in order to ensure the best possible return on investments.*

Action/Implementation Steps--

A. Emery County will utilize the technical resources of the San Rafael Regional Futures Project team to develop a cost/benefit analysis tool to be used to assess tourism related proposals and opportunities.

Objective 9: *Increase tourism spending in existing local businesses*

Action/Implementation Steps--

A. The Emery County Travel Bureau will work with local businesses in identifying and developing ways to increase the amount of tourist and traveler spending, and ways to increase the average length of stay.

Objective 10: *Identify the appropriate roles for and coordinate activities of various entities involved in tourism in Emery County.*

Action/Implementation Steps--

A. The various entities involved in tourism related planning, development, and/or promotion will continue to meet on a regular basis to clarify and coordinate roles to ensure efficiency and to avoid duplication of efforts.

Objective 11: *Recognize and preserve traditional uses and quality of experience.*

Action/Implementation Steps--

A. The various entities involved in tourism related planning, development and/or promotion will continually evaluate the effects of their projects on traditional local uses and local quality of experience.

B. Emery County will work with federal and state land management agencies to ensure that traditional uses and quality of experience are adequately considered in land management decisions.

Objective 12: *Encourage private investment in tourist infrastructure and accommodations.***Action/Implementation Steps--**

A. Through its tourism assessment and survey activities Emery County will focus on collecting the kinds of data that will be useful to businesses and financial institutions in making investment decisions, and will make the data available to potential investors.

Objective 13: *Identify and protect sensitive natural resources.***Action/Implementation Steps--**

A. Emery County, through the Public Lands Council, will work with federal and state land management agencies, as well as other appropriate stakeholders and citizens, to monitor and mitigate tourism impacts on sensitive natural resources within the County.

Recreation and Tourism SWOT Analysis**Opportunities**

Unlike areas that have been caught by surprise by tourism, Emery County has a unique opportunity to

learn from the experiences of others and to make plans to control its tourism destiny. Because tourist interest in this area is just beginning, Emery County has the opportunity to develop the kind of tourism industry that can bring maximum economic benefits while having a minimum of negative effects on the local resources and culture.

Perhaps the greatest opportunity for Emery County to benefit from traditional tourism activities can be found in Green River. Green River is already experiencing increased travel and tourism with an accompanying increase in spending.

Green River is an ideal location for travel and tourism development. It is located on busy Interstate 70, and has the advantage of being located many miles from any significant population centers in either direction, making it a logical and convenient place for travelers to stop. Its location also makes it the gateway community to the Colorado Plateau, the San Rafael Reef, Lake Powell, and Canyonlands/Arches National Parks. It is both a destination and launching point for activities taking place on the Green River. Green River is also a logical staging area for tourist activities in the increasingly popular southern sections of the San Rafael Swell such as Goblin Valley State Park, Little Wild Horse Canyon, and Crack and Chute Canyons, in addition to Canyonlands/Arches National Park activities. Green River is directly in the path of tourism growth as it begins to extend beyond the crowded confines of Moab.

Unlike communities in western Emery County, Green River has well established tourist amenities within its city limits. In addition to numerous motels and eating establishments, Green River has wisely developed other tourist attractions, such as the John Wesley Powell River History Museum, Green River State Park, and the newly constructed Green River Municipal Golf Course. Green River will continue its efforts to seize the opportunity to develop and enhance its tourism economy. Emery County and the Travel Bureau recognize the significance of the opportunities facing Green River, and support the city in its efforts.

Western Emery County also has potential tourism development opportunities. Tourism is not a significant portion of Emery County's economy at present, but there is no question that it has great potential to contribute to the economy of the future. Visitor days in the mountains, state parks, and San Rafael Swell are increasing every year.

Perhaps the greatest opportunity for western Emery County is the chance to identify tourism related threats before they are upon us. We have the opportunity to be proactive in our tourism planning by making efforts to mitigate any negative elements of tourism while planning for the maximum benefit tourism may offer to our future economy.

State and federal planners have also recognized Emery County's potential to address tourism development in its early stages, and have offered their resources and assistance to local tourism development efforts. This willingness has created an opportunity for Emery County to access technical and planning resources that have not been available to most rural communities. That will assist in identifying new and innovative ways of developing tourism in Emery County. Issues such as visitation management and resource protection can be analyzed before negative visitation impacts occur.

Emery County would like to develop a "low-impact, high-value" tourism industry rather than simply promote traditional low value windshield tourism. We will encourage and enable thorough analysis of, and development for unique, "full-service" tourism experiences that may include guides, outfitters, guest ranches, and environmental interpretive programs. These programs will encourage tourists to get out of their vehicles and stay in the County; thereby, increasing per capita tourist spending, by directing tourist dollars to local entrepreneurs, and helping to manage visitor movement throughout the County. Increased tourist spending will develop revenue sources to pay for the costs of providing medical, law enforcement, and search and rescue services in the County.

We have the opportunity to analyze and assess the tourism potential of Emery County in order to inform our decision-making processes. Analysis will include an inventory of local tourism resources, a listing of perceived potential, and an analysis of the tourism market in general, in order to target the types of tourism that will be the best fit for Emery County. We will also develop and apply cost/benefit analyses to our tourism planning and decision-making in order to ensure the best possible return on our investments, and the least amount of impact on our quality of life.

Threats

Tourism is generally considered an economic opportunity. Tourism has the potential to bring increased economic benefit to Emery County, but if not developed properly, it also has the

potential to threaten many important aspects of the County's rural quality of life, while bringing very little economic benefit.

The scenic and recreation attractions contribute to the quality of life in Emery County. Several significant attractions have the potential to attract many visitors, but as visitation increases, there

will likely be a corresponding decline in the quality of the attractions and the local enjoyment of the sites.

As more tourists come to Emery County, there is more competition for camping and recreation areas.

Local users must share their favorite places with newcomers, or find new ones. The overall quality of many of our traditional uses may be diminished as opportunities for solitude and "having the place to ourselves" decline. It is also likely that increased visitor pressure will lead to increased regulations and restrictions to help mitigate negative impacts. Increased restrictions will in turn affect traditional local uses.

These types of concerns and trade-offs are common as tourism economies develop. Unfortunately, Western Emery County is at present poorly positioned to receive significant economic benefit from these trade-offs. There is very little traditional tourism infrastructure, such as motels, restaurants, and tourist shops where tourists spend their dollars. Because tourist accommodations are located nearby, in Carbon County, it is very risky to invest in duplicative infrastructure in Emery County. Investments in Emery County must compete with well established businesses in Price and Wellington, which also have the advantage of being located along the main route of travel through the area.

Lacking infrastructure and accommodations, Western Emery County is left in the unenviable position of facing the possible negative impacts and costs of tourism, without being able to receive the economic benefits associated with tourism. In the past the County has held to a typical "open house" mentality, promoting the attractions of the area, hoping for as many visitors as possible. Many County residents are beginning to question the wisdom of this approach, and are recognizing that "shot-gun" promotion methods may be a losing investment, generating more than revenue. The County has concerns about sacrificing the rural lifestyle and culture, in order for a few local businesses, or more likely, Carbon County businesses to make more money on tourism.

Emery County understands that there are real costs associated with tourism. The costs of providing emergency medical, law enforcement, garbage collection and disposal, and search and rescue services are a growing burden on declining County resources. Tourism in Emery County does not begin to provide the tax revenue necessary to cover these increased costs.

Many problems have been associated with the influx of tourists in neighboring Moab city and Grand County. Emery County has looked to Grand County and its tourism related experience to better understand how to approach some of the pressures of increased visitation. The lack of effective "visitor management" has resulted in negative impacts to Grand County. Many places have been "loved to death" by numerous visitors; human waste and garbage has been found behind every bush and tree in popular recreation areas. The costs of providing emergency services have been particularly burdensome as visitation increases and the Grand County tax base remains flat. Moab City has seen a significant increase in tax revenues from sales tax, yet Grand County has had increasing financial difficulties.

In addition to the impacts on the land and watersheds, other changes have affected Grand

County's local economy, social structure, and culture. While there has been a significant increase in the

number of jobs, there has not been a corresponding increase in per capita wealth. A large portion of the jobs have been low-skill, low wage positions in restaurants and motels. The problem is compounded by the seasonal nature of the jobs, resulting in a tremendous swell in the public assistance roles during the off-season.

There has been concern expressed by "old-timers" that their town and culture are not what they used to be. Outsiders, with different perspectives and values, have influenced local politics and local society. In the minds of many long time residents, they have gained a tourist industry, but lost their culture and their traditional rural lifestyle. They feel that Moab is no longer theirs, but has been taken over by outsiders.

Emery County Policy - Water Resources

Adequate water quality and availability is necessary for significant residential, industrial, commercial, agricultural, and recreational development. The County desires to protect and enhance the quality and quantity of usable water by promoting the efficient management of water resources and the protection of individual water rights. The County supports the development, adoption, and implementation of water storage, distribution and conservation plans by irrigation companies, industrial users, and municipalities.

There are twenty-three federal water agencies and fifteen water-related state agencies with whom water users in the County must commonly deal. Those agencies and organization are listed in Appendix G in *The Emery County Profile* Water Resources section. Water related decision-making efforts are very complicated and difficult in the County. Emery County has made efforts to coordinate with all pertinent water agencies and organizations in its water policy making and planning efforts and will continue to work with those agencies.

Emery County is experiencing over-utilization pressures as well as political pressures on its water resources. The streams and tributaries of our present water supply are all over appropriated. Any new use must come from existing water supplies or the creation of additional storage facilities to harness the spring runoff from the melting snow.

Other threats include unfunded political mandates (such as dam safety, endangered species, wetland protection, etc.), federal and state in-stream requirements, federal regulations for project water, subsidence due to mining activities, trans-basin movement of water by the mining industry, watershed damage due to timber harvesting and mountain home subdivisions, uncontrolled trans-mountain diversions, ground water interference by methane gas developers, the retirement of agriculture production lands to provide water for industry, and the ever dwindling supply of water.

The County urges that these many interests and agencies acquire their rights to use water resources through the Utah State appropriation system. The County will resist any method of "taking without compensation".

The following outline will quantify the County's water resources and will declare the County's position regarding the various pressures and demands on water resources.

Water Quality and Quantity

Emery County desires to protect the quality and quantity of its water resources. The County is concerned with the effects of industry, recreation, and residential development on water quality and will continue existing monitoring activities. It is the County's position that parties causing resource damage are responsible to perform and/or finance adequate and appropriate mitigation measures.

In particular, water quality in Huntington Creek is becoming an issue due the area's extensive recreational use. Because the stream is of mutual interest to the County and the Forest Service, a county/agency partnership will be designed to address this concern.

Many important County watersheds are located in adjacent counties. The County Commission is encouraged to consult, cooperate, and coordinate with those counties on watershed management and water quality issues.

Objective: *The County desires to maintain the current level of water quality...quantity.*

Watershed Protection

In 1905, when record keeping began, the annual flow of the County's four western streams; Muddy, Ferron, Cottonwood, and Huntington was 252,000 Ac-ft. In 1990, the annual flow was 194,000 Ac-ft, a decrease of 58,000 Ac-ft. The reason for this decrease is probably two-fold. First, the amount of precipitation is steadily decreasing. Second, the condition of the watershed is improving, utilizing more of the moisture in consumptive use.

The County protects watershed areas through its existing zoning ordinance. Two "critical environment" zone classifications cover the canyon, mountain, riparian, and watershed areas of the County. The County also imposes slope/grade building standards and requires that all sewer and water systems comply with State Health Department standards.

The County supports land use practices which promote proper ground cover to prevent erosion. The County will promote practices which will decrease the growth of noxious weeds, phreatophytes, and high consumptive vegetation, and will favor practices which increase erosion preventing ground cover.

The County supports domestic livestock grazing on the watersheds. Grazing can be used as a management tool to promote the health of a watershed. Proper grazing will rejuvenate grass growth and trample seeds for increased plant numbers. The County also recognizes the economic dependency that agriculture has on public land use, and the value it has in sustaining the rural lifestyle of the area.

The County recognizes recreation as a prominent factor in our social fabric. However, recreationists must accept the responsibility of maintaining a clean, healthy watershed. Facilities should be provided and maintained to control human waste, and trails and signs should be developed that guide hikers away from delicate riparian zones. The County supports the concept of any motorized vehicle being used only on designated roadways in order to control erosion.

Mountain homes and campgrounds should be controlled to minimize the effect of septic tanks and waste facilities on groundwater. Coliform shall be the primary measure of water quality. Stream set back requirements for homes and campgrounds shall be sufficient to prevent any contamination to surface or underground water.

Timber harvest, mining, and other surface development shall be controlled to the extent that the exposed ground shall be reseeded with grasses, forbes, and tree seedlings to aid the natural regrowth and protect the watershed. Open pit mining has not occurred on the County's watershed and does not appear eminent in the future. However, any like activities will be consistent with the watershed values stated herein. Any potential contamination of mountain water by sediment, chemicals, or waste, will be mitigated prior to allowing any industrial activity.

It shall be the County's policy to maintain excellent water quality of its streams. The current excellent quality shall be the minimum level.

Objective: *Emery County supports implementing additional watershed protection measures....*

Action/Implementation Steps -

The Emery County Planning Commission will identify watershed areas and the appropriate private or public interests owning or managing these properties.

Working with all interested parties, the Planning Commission shall review the existing watershed protection and subdivision ordinances to determine whether these ordinances provide adequate watershed protection.

Accomplishing this objective will include expanding the existing zoning resolution to include soil and slope analysis requirements and stream corridor and floodplain setbacks. Depending on the Planning Commission's findings and recommendations, an overlay and accompanying regulations will be developed. This information will identify "protection" zones, corresponding levels of development (or nondevelopment) and damage mitigation requirements.

Planning Commission recommendations are to be reviewed by the public and recommended to the County Commission to be adopted as part of the County's land use ordinance and included in the applicable public-land use plans.

Water Rights/Allocation

The County feels that private water rights should be protected from federal and state encroachment and/or coerced acquisition. To ensure that the County's water resource issues and interests are adequately heard and addressed, the County will actively participate in the Colorado River water leasing discussion and all other relevant federal and state water resource planning efforts and decisions.

Emery County endorses the Utah State Water Laws of Appropriation as the legal basis of all water use within the County. Under state law, all water in the state, whether above or under the ground, is declared to be the property of the public subject to all existing rights to the use thereof.

Beneficial use is the basis, the measure and the limit of all rights to the use of water in this state. The appropriation of water to acquire use and ownership must be bound based on useful and beneficial purpose. The user who is first in time shall be first in right.

Water Rights which have been appropriated in Emery County are shown on the table below. When these rights exceed the flow in the river, the first in time of the appropriation is first to fill his water right.

River	Total Appropriation (cfs)	Average Flow (cfs)	Total Storage Rights (Ac-ft)	Actual Storage (Ac-ft)
Muddy	244	40	7,545	1,839
Ferron	378	70	20,914	18,000
Cottonwood	678	100	218,233	62,500
Huntington	487	100	61,149	54,056
Green River	132	N/A	-0-	-0-
Trans. Mt.	216	unknown	-0-	-0-
	(26,700 Ac-ft)			

It shall be the County's policy that these four rivers of Western Emery County are substantially over-appropriated and the County will urge the State Engineer to close these rivers to further appropriation.

The Green River water users are being limited to the present water appropriation. Emery County encourages the State Division of Water Rights to grant an additional permanent water right allocation to these appropriators. Since the rights of appropriation control the amount of the diversion, place of use, nature of use, etc, it is in the best interest of the County water resources, that these rights be adjudicated. The County will encourage the State Engineer to bring this action to fruition.

Objective: *The County will actively participate in all relevant local, regional, state, and federal water management efforts....*

The County feels that industry and municipalities should not claim or own more water than necessary to cover their anticipated needs and that unused water should be made available for other uses. The County also feels that the protection and recovery plans for endangered species and other "special interests" should be paid for by advocates of those purposes and uses.

The County feels that the state law requiring that water saved through conservation goes to the next

appropriation creates a negative incentive for more efficient water use. The County would like to see the return, be it financial through the sale of the excess water, or physical through the irrigating of additional ground, be directly reaped by the conserver.

The County also feels that the Bureau of Reclamation application process required to increase acreage irrigated is cumbersome and complicated. The County recommends that the acreage threshold triggering the need for re-application be raised.

Objective: *The County supports a fair allocation of water rights between water uses.*

Objective: *The County feels benefits from conservation practices should go to those conserving the resource.*

The demand for western Emery County water greatly exceeds the supply. Conservation practices have always been followed. Agriculture has used and reused this resource as it passes through the valleys. Reservoirs have been constructed and regulated to maximize the use of the highly varied flow. Emery County promotes conservation as a way of life. Water so conserved will be used to meet the demands of the County and maximize the use of this valuable resource. The concept of conservation plans are promoted, especially by industrial and municipal users who continually hold excess water rights against peak demands. As water conservation measures become economical, the County encourages the use of these methods.

Objective : *The County feels that waste water and return use practices and privileges should be maintained and protected.*

Groundwater

The countless mountain springs form the base flow of our water resources. As the winter snows melt and run into our reservoirs and then into our valleys, it also enters the ground and recharges the many aquifers for discharge through springs and seeps later in the summer season. This natural process forms the basis of our water use downstream. It will be the policy of the County that these natural outlets remain uninterrupted.

The County recognizes the necessity of mining as its economic base. However, the interruption of water

flowing to these natural spring outlets cannot be tolerated. It is the policy of the County that any water interrupted by mining, subsidence, etc. shall be replaced in quantity, quality, kind, and/or compensation. If studies show a possibility of ground water interruption is eminent, then mitigation of the probable interruption will be necessary prior to mining activities. Any trans-basin transfer of water will be contrary to the policies and interests of the County.

Emery County endorses the water monitoring program being conducted by Emery Water Conservancy District. This provides a base line record of the County water resources. All like information gathered by mining interests, government agencies, and others shall be made available to the conservancy district for its record.

The geology of the County is the source of its physical uniqueness. The Wasatch Plateau rises sharply on the western boundary to elevations of 11,000 ft and provides the mountainous watershed. This mountainous region receives over 40-inches of precipitation per year and is the source of the County's water. The valley floor varies from elevation 6,000 to 4,500 in its deepest canyons and receives less than 7-inches of precipitation per year.

The valleys which support farms, industry, and communities sits on a marine shale deposit which is about 3,000 feet thick. This formation is called the Mancos Shale. Located deep below this shale layer are two thick sandstone aquifers ranging from 500 to 1,000 feet and are found at about 6,000 to 7,000 feet. These aquifers turn up and surface about 10 - 15 miles east of the communities and the surrounding agriculture lands. These aquifers have never been tapped because of their depth and the expense of their development. However, these water bearing zones are part of the water resources of the County. The County policy will be to insure that the quality of these aquifers are not degraded by injection wells, or any other activity.

Water Storage

The semi-arid climate in which we live necessitates the wise use of our water resources. Storage which catches the melting winter snow from the mountain ranges and holds the water for year-round use is vital to the existence of the County's communities, industry, and agriculture. Most of these storage reservoirs are located high in the watersheds. A list of existing reservoirs is located in the *Emery County Profile* section III page 7.

Numerous other man made reservoirs belong to the Division of Wildlife Resources. These reservoirs are used for recreation and do not contribute to water storage potential. However, they contribute greatly to the enjoyment and quality of life of the County citizens. The County encourages the continuing maintenance of these facilities.

The Emery County Project was completed by the U.S. Bureau of Reclamation in 1965. This project

constructed the Joe's Valley Dam as its major feature. Water is stored in Joe's Valley Reservoir and used for agriculture, industry, and municipal needs on Cottonwood Creek and Huntington Creek. As with all federally funded facilities, numerous generic rules and regulations apply to the use of these facilities. Some of these rules are contrary to wise use, conservation, and sometimes contrary to good sense. Emery County appreciates the fact that these facilities were provided and endorses management practices which utilize these facilities to the fullest extent in the storage and conveyance of all waters. The County also endorses the lifting of acreage restrictions which diminish the availability of the supplemental water to the agriculture interests of the County. The County urges a cooperative effort with the Bureau of Reclamation to use their existing systems in a wise and efficient manner.

The County feels that additional storage facilities are needed for the County to fully utilize its water resources. The County supports downstream storage and would like to develop an adequate system of storage facilities that would allow the excess spring runoff to be captured and utilized later in the growing season. Specific examples include the Muddy Creek.

As an alternative to additional water storage facilities, the County supports improved coordination between water users and existing storage facilities.

Objective: *Increase the number of storage reservoirs within the County....*

Objective: *More efficient use of existing facilities and excess capacity....*

Conveyance Systems

Associated inherently with the storage facilities is the system of canals and ditches which supply the water to its place of use. These conveyance systems transport the water from the natural streams to irrigate thirsty ground, operate power plants, and provide water to the communities. The resulting network runs for hundreds of miles throughout the County. The County recognizes this system as necessary to our way of life.

The County supports any effort which will improve these systems, decrease seepage losses, and promote better management practices.

The County acknowledges that the major canals have an inherent right-of-way that was established when the area was settled. This right-of-way is recognized as fifty feet on either side of the canals. The right-of-way is for access, maintenance, distribution, and improvement.

In-stream Flow

Traditional water management has focused on improving the resource to meet the needs of the users. During the past ten years the concept of water resource development has been enlarged to include recreational and environmental uses. In 1986, the Utah State Legislature included in-stream flows as a beneficial use, subject to the laws of appropriation. In 1995, the State included parks and recreation as a beneficial use.

This change of philosophy comes largely on the heels of the water development period which occurred prior to 1980. Many streams in the State have been controlled with storage reservoirs and diversion structures. Prior to these control structures, the natural stream flows were unpredictable and destructive. Without reservoirs, the mountain snows melted in the spring and came roaring down our canyons, gutting the channels, carrying rock, soil, and canal diversions downstream. The runoff would last about four to eight weeks and then the streams would revert to base flow. Diversions were precarious. Flows to farms and municipalities were unpredictable. The large flows were destructive both to man and the environment. Once the streams were controlled, diversions became predictable, channels filled in with vegetation, riparian zones were healed, and people began to believe that this was the way nature intended things to be.

The basic problem, rising from the change of economic focus to include recreation and environmental uses, is that these "new" uses did not finance initial water development. They were a favorable by-product of development financed by agriculture, municipalities, and industry. Further, the general populace no longer sees the large runoff flows going unused downstream. They see placid lakes, meandering streams, and water in their faucets.

It is with this basis of understanding that Emery County recognizes its dependency on the man-made structures that control water resources and make possible a rural lifestyle. The County recognizes the need for recreation and environmental uses. However, at present, the rivers are fully appropriated and no new water is available for these uses. To commit water to in-stream flows would prevent users within the County from fully utilizing their water rights and preclude the valleys from having an adequate water supply for culinary, industrial, and agriculture purposes. It is impractical for the County to establish a policy that favors leaving flows in our streams at the expense of providing basic water supply services to existing users.

Emery County recognizes in-stream flows as beneficial use. These uses may receive an appropriation with priority dates at the time of application. Any development of water resource for in-stream use must be financed solely by in-stream users or those groups which promote such use. The County further declares as its policy, that water which is conserved through more efficient conveyance or use will be

committed to fulfilling present needs of existing water users, and the conserved water will be committed to downstream use, only upon the state laws of appropriation; first in time, first in right.

"Wilderness", "Wild and Scenic River", and "Endangered Species" designations are federally legislated. These designations will adversely affect all rivers and streams in Emery County. The intent of this legislation is contrary to existing state water laws and to the well-being of the County. The County's position will be to oppose any taking of existing water rights, both diversion and storage. The County declares that any water dedicated to federal use must be appropriated under state law. The date of that appropriation will be set in accordance with state law. The County further declares that existing users have the right to fully develop their existing diversion and storage rights.

Wetlands

The preservation of wetlands is federally mandated. The definition of wetlands is subject to federal wetlands designation definitions and judgement. Some wetlands occur naturally. Some wetlands have been created artificially by off-stream diversions. The geology of Emery County precludes the natural occurrence of wetlands outside of the riparian zone along the streams and rivers which run through the valleys. All other wetland areas have been created artificially by irrigation practices.

The County recognizes that conservation practices are important and have endorsed these practices within this plan. The County further recognizes that some wetland areas may be negatively impacted by water conservation practices. Where choices are to be made, the County's position will favor conservation practices over wetland preservation. The County declares it impracticable to weigh artificial wet zones against insuring that the needs of the water users of our County are met. The County further declares that any water rights which are designated for wetland use must be obtained in compliance with the state water laws of appropriation.

Salinity

The rivers of western Emery County emerge from the mountainous canyons and run for miles across the marine deposit known as the Mancos Shale. This marine deposit is saturated with lenses of calcium sulfate (CaSO_4). These lenses are water soluble and when exposed by stream erosion both within the natural river channels and the myriad of drainage channels, salts are absorbed by the streams. The amount of salts being transported by our streams are measured as Total Dissolved Solids (TDS) and the units are milligrams per liter (mg/L) or parts per million (ppm). The TDS of our streams entering the valley are about 300 mg/L. The TDS of our streams leaving the Mancos Shale formation varies from 2000 mg/L to 5000 mg/L. This condition is consistent with the entire upper Colorado River drainage basin.

Federal agreements and law encourage the decrease of salinity in the Colorado River. Studies have been completed which outline ways that this amount of dissolved solids can be decreased. For the most part, these methods consist of conservation measures. Conveyance losses and on farm efficiencies contribute to the salinity of the return flows. These same losses also contribute to the artificial wetlands of the County. The two desirables are in conflict. One cannot be controlled without effecting the other.

The County's position will be to continue to endorse practicable conservation measures that ensure the needs of the County water users are met, now and in the future. The County reiterates its position that water conserved will be used within the framework of present state laws and for purposes that are defined within the adjudication of existing water rights.

Weather Modification

Emery County water users have, for many years, participated financially in a cloud seeding program. The County encourages further participation and investigation of ways and measures of modifying our natural weather patterns for the benefit of the County.

Education

As the focus of water management practices and projected needs change from traditional concerns to meet environmental concerns, the need for water education becomes paramount. It is important that our citizens understand the necessity of the control structures which manage our water resources. It is equally as important that they understand that the state appropriation laws that protect our water rights from being superseded by federal mandates and designations. It is important that we remember the conditions which existed prior to the development of our water resources and appreciate the reasons for the system of management that exists on the rivers of the County. Education is necessary to understand where our water resource comes from, how it is managed, and how it can be conserved.

Emery County strongly endorses the Division of Water Resources education program and poster contests that are a part of our elementary school program. The County supports and encourages educational efforts in our schools and in our local media by Emery Water Conservancy District and the Castle Valley Special Service District.

Appendix A

List of Project Participants

List of Project Participants -

The following individuals participated in the Emery County Planning project as members of the citizen Project Steering Committee, County officials/staff, resource specialists and/or interested citizens.

Comm. Randy Johnson

Comm. Kent Peterson

Comm. Bevan Wilson

Comm. Mark Justice

Comm. Dixie Thompson

Scott Allred

Odell Anderson

Bryant Anderson

Gary Arrington

Mark Bailey

Roger Barton

JoAnn Bihling

Alton Burns

Carlyle Burton

Chas Carmichael

Con Clement

Ben Coomer

Suz Copinza

Paul Crawford

Anne Curtis

Wes Curtis

Larry Davis

Norman Dingman

Lorraine Dingman

Penelope Dunn

Kim Earl

Sharon Earl

Kresha Eastman

Roseann Fillmore

Gary Fluckey

Julia Foote

Tim Frost

Joyce Fost

Rex Funk

Ken Gilbert

Tom Gnojek

Effie Goff

Lamar Guymon

Maughn Guymon

Ira Hatch

Rey Lloyd Hatt

John Healy

Gene Hess

David Hinkins

Ron Hodson

Bill Howell

Charles Jankiewicz

Tracy Jeffs

Linda Jewkes

Jonnie Johansen

Justin Johansen

Craig Johansen

Eugene Johansen

Randy Johnson

Ben Killpack

LaMar Kummer

Darrel Leamaster

Warne Linton

David Lucchesi

Mark Humphrey

Ramon Martinez

Lee McElprang

Bruce McMullin

Ed Meyer

Connie Nelson

Sylvia Nelson

George Nichas

Argene Olsen

Beulah Oveson

Val Payne

Dixon Peacock

Zora Peacock

Carolyn Randall

Lee Remon?

Gary Roeder

Evelyn Roundy

Vernell Rowley

Ronald Sanders

John Schlesat

JudyAnn Scott

Montell Seely

Chuck Sembrski

Glenys Sitterud

Seretia Snow

Patrica Snowball

Richard Snowball

Lewis Stilson

Clyde Thompson

Allen Thorpe

Scott Truman

Karen Truman

Ron VanWagoner

Scott Ward

Sherrel Ward

Keith Ware

Roger Warner

Paula Wellnitz

Kent Wilson

Bevan Wilson

Dennis Worwood

Appendix B

Public Scoping Meeting Results

March 3, 1994

Emery County Planning Project

Public Scoping Meeting

March 3, 1994

Participant List

Comm. Dixie Thompson

Comm. Mark Justice

Comm. Kent Peterson

Bryant Anderson

Ben Coomer

Suz Copinza

Paul Crawford

Penelope Dunn

Roseann Fillmore

Julia Foote

Tim Frost

Joyce Frost

Lamar Guymon

Gene Hess

Ron Hodson

Tracy Jeffs

Eugene Johansen

Ben Killpack

LaMar Kummer

Darrel Leamaster

Ramon Martinez

Argene Olsen

Beulah Oveson

Val Payne

Dixon Peacock

Carolyn Randall

Gary Roeder

Ronald Sanders

Montell Seely

Glenys Sitterud

Richard Snowball

Patrica Snowball

Lewis Stilson

Keith Ware

Roger Warner

Kent Wilson

Dennis Worwood

Emery County General Planning Project

March 3, 1994 Public Scoping Meeting Summary

Small Group Issue Identification and Prioritization (Similar issues have been combined. Further clarification may be necessary.)

(number issues or value

of votes)

County community values -

(11) maintain rural lifestyle and character of the County

small town atmosphere

good moral climate/family values

trust and honesty

good community spirit

great place to raise kids

recreational values of the Swell

unique desert/natural landscape

(8) improve community to community and community to County cooperation/interaction

Human/Community Services -

- law enforcement

- senior citizen care
- education
- recreation
- emergency medical

(10) maintain quality/quantity of law enforcement in order to maintain quality of life

(10) improve quality of life for County elderly

transportation

medical facilities

services - senior center in Green River

(10) maintain/improve quality of education

strong tax base

quality teachers

(7) recreational opportunities for County residents

maintain and improve recreational facilities

develop a recreational center

(4) medical services

emergency facilities

(4) financial stability (long term) for museum

(2) means for recycling

Economic development -

(14) more diverse retail trade

support what we have

reduce reliance on Carbon County

more complete economic community

(14) improve economic base, but maintain balance of industries - diversification of economy

secure tax base

small business start-up helps, programs, etc.

(12) recognize and be sensitive to agricultural interests

economic development/planning and zoning

(12) develop family supportable jobs

(8) opportunities should be environmentally and socially "clean"

(3) improve and maintain tourist facilities, but don't "put all our eggs in the tourism basket"

(1) more employment opportunities for children and young adults

Federal and State Agencies/Public Land Use -

(35) increased County input and participation in public-land decision-making processes

more (County) role in decision-making process

concerned that special interests control agencies

County needs input (understand rules of the game when dealing with agencies)

accessibility of public land managers

(14) maintain multiple-use/traditional uses

eliminate Wilderness Study Areas

(12) maintain public access

(7) state trust land issues - mining revenue

(7) eliminate federal policy

eliminate Endangered Species Act

do away with Rangeland Reform Act

do away with Reclamation Act

eliminate Clean Air Act

(5) maintain public land grazing

(4) reasonable conservation of resources/wilderness

County growth and development -

(18) controlled, steady growth balanced to preserve rural quality of life

public service and facility considerations

planning commission sensitive to rural interests

(4) zoning used as tool to support County development goals

Resources -

- water

- wildlife

(22) protect quality and quantity of water rights

(3) improve irrigation system planning - work with USDA and BOR

(1) great wildlife resources

Appendix C

Emery County Public Lands Council Charter

OPERATIONAL GUIDELINES FOR THE EMERY COUNTY PUBLIC LANDS COUNCIL

COMPOSITION

The Emery County Public Lands Council (the Council) shall be comprised of;

- 1) the Emery County Public Lands Council Executive Committee (the Executive Committee) , and;
- 2) the Emery County Public Lands Council Steering Committee (the Steering Committee).

EXECUTIVE COMMITTEE

Sub-categories: Membership, Election, Duties, Terms, Meetings, Quorum, Vacancies.

Executive Committee Membership

Membership in the Emery County Public Lands Council Executive Committee shall consist of the three duly elected Commissioners of Emery County, a political subdivision of the State of Utah, and eight (8) additional members to be appointed by the Emery County Commission. The membership may also include additional Ex-Officio (non-voting) members as determined by the Executive Committee.

The Executive Committee shall be the working and governing body of the Public Lands Council, and will assist and advise the Emery County Commission in public lands matters. The Public Lands Council will also oversee and direct the activities of the Public Lands Council Steering Committee.

Members of the Public Lands Council Executive Committee may have specific assignments, as assigned by the Chair, to represent local interests in such areas as water resources, domestic livestock, recreation, tourism, planning and zoning, law enforcement and emergency services, hunting and fishing, mineral extraction, economic development, wildlife, etc., and to chair committees related to these areas.

Executive Committee Duties

The mission of the Executive Committee is to represent the public lands interests of Emery County and its citizens and to perform an advocacy role for local users and stakeholders; to work in partnership with federal and state agencies in fashioning management decisions and policies affecting lands within Emery County; and to participate in the development, coordination and implementation of the planning objectives of federal, state, and local entities to ensure harmony between the objectives of these various entities and the Emery County Master Plan.

The Executive Committee shall define Council policies and operational guidelines, and shall make recommendations to the Emery County Commission, and to federal and state land management agencies, regarding matters affecting the management of public lands within Emery County.

Specific duties include, but are not limited to the following:

1. Establish the budget for Council operation.
2. Establish the job descriptions for Council Staff.

3. Oversee hiring and other personnel matters of the Council.
4. Set meeting dates and places for both the Executive Committee and the Steering Committee.

Executive Committee Terms

Terms of Executive Committee members shall be for two years, but will be set up initially to be staggered. In order to stagger the terms initially, half of the members of the Executive Committee shall be appointed to two year terms, and half of the members shall be appointed to three year terms.

The Executive Committee shall determine which of the initial members shall serve for two years, and which shall serve for three years.

Executive Committee Meetings

Meetings shall be called by the Chair at least monthly.

Executive Committee Quorum

Executive Committee members in attendance at official meetings shall constitute a quorum. Proxy will not be allowed.

Executive Committee Vacancies

In the event of an unexpected vacancy, the unexpired term shall be filled by appointment by the Emery County Commission.

OFFICERS OF THE COUNCIL

Sub-categories: Offices, Election/Appointment, Terms, Duties, Meetings, Vacancies

Offices

The Officers of the Executive Committee shall also be the Officers of the Council, and shall consist of the offices of Chair and Vice-Chair.

Election of Officers

The Chair, and the Vice-Chair shall be elected by the Executive Committee from members of the Executive Committee.

Terms of Officers

The terms of the Officers shall be for one year. There shall be no limit on the number of terms an individual may serve.

Duties of Officers

The Chair, or in his absence the Vice-Chair, shall preside at all Council and Executive Committee meetings. The Chair shall set meeting dates and places for meetings of the Executive Committee. The Chair is authorized to appoint committees. The Officers will be responsible for operations of the Council within the policy guidelines and budget established by the Executive Committee.

Meetings of Officers

Meetings of the Officers of the Council shall be held as deemed necessary by the Chair.

Vacancies of Officers

In the event there is an unexpected vacancy, the unexpired term shall be filled by election by the Executive Committee, from members of the Executive Committee.

STEERING COMMITTEE MEMBERSHIP

Sub-categories: Membership, Meetings/Location, Quorum, Committees, Procedures, Responsibilities, Voting

Steering Committee Membership

The Emery County Public Lands Council Steering Committee will be comprised of an unspecified number of members who will be appointed and/or invited to participate by the Emery County Commission and/or the Emery County Public Lands Council Executive Committee, and will function under the direction and oversight of the Executive Committee. The Steering Committee is established with the intent to provide broad diversity and active participation of those individuals who are needed to accomplish the mission and objectives of the Council, including representation of a broad array of local interests, stakeholders, and technical and professional experts.

To ensure a broad spectrum of thought and expertise, the Public Lands Council Steering Committee shall seek participation from appropriate representatives from areas such as the following:

Water Resources

Domestic Livestock

Environmental Protection Advocates

Wildlife Advocates

General Recreation

ORV Recreation

Tourism

Economic development

Law Enforcement

Emergency Services

Planning and Zoning

Mineral Extraction

Cooperative Extension Services

Range and Habitat Specialists

Biology and Botany Specialists

Sportsman (Hunting and Fishing)

Utah Department of Natural Resources

Division of Wildlife Resources

Utah Division of State Parks

Local Community Representatives (COG)

Industry

Roads and Access

Duties of the Steering Committee

The Public Lands Council Steering Committee will counsel, assist, and advise the Public Lands Council Executive Committee, and will serve as a forum for discussion and consensus building among the various stakeholders, including state and federal land management agencies, regarding public lands issues and planning matters.

Steering Committee Meetings/Location

Meetings of the Steering Committee shall be called by the Chair at least quarterly. Time and place shall be determined by the Chair.

Steering Committee Quorum

The council members in attendance at official meetings shall constitute a quorum. Proxy will be allowed, but is discouraged.

Committees of the Steering Committee

The Chair of the Council is authorized to appoint committees. Each Committee shall have a member of the Executive Committee, appointed by the Chair, as the Chair of the Committee. Committees will automatically terminate upon completion of their task.

Steering Committee Procedures

The Steering Committee shall operate under the policy guidelines adopted by the Executive Committee. Working by consensus is the operational procedure of the Steering Committee. Consensus is not understood as unanimous agreement, but as a process in which all viewpoints are heard, and taken into account, in determining the level of support for a given action or policy recommendation.

Responsibilities of Members of the Steering Committee

All members are expected to attend and contribute to meetings, lend their time and make available time, expertise and resources of their organization to further the objectives of the Council. Members have the responsibility to be current with Council operations, including having read materials distributed prior to meetings, as well as minutes and briefing materials of meetings they miss.

Steering Committee Voting

Working by consensus is the operational procedure of the Steering Committee. As a result, voting is done only as a last resort. If a vote is deemed necessary, voting may be by voice, hand vote or ballot. A vote by ballot may be taken on any question, provided a motion to this effect has been approved by a majority of the members present. The decision rendered by a vote shall not be binding upon the Executive Committee.

Appendix D

Project Steering Committee Meeting Summaries

Emery County Planning Project

Project Steering Committee Meeting Agenda Summaries

January 19, 1994 Meeting with County Commissioners and Planning Staff

Discussion Items - Project purpose and process

Discussion of project process and timeline

Tailoring the process to fit County needs

Organizing the citizen Steering Committee

Scheduling public scoping meeting

March 3, 1994 Public Scoping Meeting

Discussion Item - County Issues

Discussion of project and process

Identifying County resident issues, concerns, priorities and goals

March 18, 1994 Citizen Steering Committee Orientation

Discussion Items - Orientation and Process

Discussion of project and process

Role of Steering Committee members

April 20, 1994 Emery and Green River High School Outreach Activities

Discussion Items - High School Student Issues and Priorities

Discussion of the project and process

Identifying student issues, concerns, priorities and goals

Issue grouping and clarification

April 27, 1994 Project Steering Committee Worksession

Discussion Items - Citizen Issues and Priorities

Review Public Scoping Meeting results

Review High School student results

Issue grouping and clarification

Process review - "Where do we go from here?"

May 4, 1994 Project 2000, Futures Meeting

Discussion Items - Citizen Issues and Priorities

Review Public Questionnaire results

Issue grouping and clarification

Questions to be addressed "what do we have, what do we want, how do we get there?"

June 1, 1994 Project Steering Committee Worksession

Discussion Item - Citizen Issues and County Profile

Review citizen issues and priorities as identified during the initial public scoping meeting, May 4 'futures' activity, and resident questionnaire.

Review draft "value/goal" statements

Issue Prioritization for future discussion

July 6, 1994 Project Steering Committee Worksession

Discussion Item - Public Lands and Resources

Consultant presentation and committee discussion - federal and state public-land planning processes

In-committee resources and presentations -

Penny Dunn BLM - San Rafael Resource Area

Chas Carmichael Department of Natural Resources

Charles Jankiewicz USFS - Ferron & Price Ranger Districts

Ron Hodson DWR

David Lucchesi State Parks(Huntington, Millsite)

August 3, 1994 Project Steering Committee Worksession

Discussion Item - Public Lands and Resources

Clarifications or comments concerning federal and state public-land planning processes

Public lands issue review and prioritization

preliminary issues included:

public lands access

multiple-use management

County and private property rights

public land resource use and development

County participation in public-land management decisions

public land recreation and tourism

Discussion and development of County policy for each issue.

September 20, 1994 Project 2000 Emery County Economic Development and Planning Summit I

Discussion Topic - Information Sharing

Presentations and Panel Discussion -

Luther Propst - Sonoran Institute

Jeff Burks - Utah State Office of Energy and Resource Planning

Richard Clark - Teton County Idaho Economic Development Committee

Ed Meyer - Utah Office of Business Development

September 28, 1994 Project 2000 Emery County Economic Development and Planning Summit II

Discussion Topic - Action Statements

Presentations and Panel Discussion-

Dennis Worwood - Emery County Extension Agent

Mike Alder - Technology Development for Utah

Wes Curtis - Utah Small Cities Inc.

Les Prall - State Department of Community and Economic Development

Brooke Williams - Plateau Innovations

October 13, 1994 Project Steering Committee Worksession

Discussion Items - Public Lands Management

Clarifications or comments concerning federal and state public-land planning processes

Review *draft* "policies" developed at last meeting

Discussion and development of action steps for each issue. Issues include:

County participation in public-land management decisions

Multiple-use management

Public land access

Public land resource use and development

October 27, 1994 Project Steering Committee Worksession

Discussion Items - Public Lands Recreation and Tourism

Presentations and Panel Discussion-

Brad Barber - Governor's Office of Planning and Budget

Jane Brass - Western Rural Development Center

Discussion and development of County policy and action steps for public land recreation and tourism.

November 2, 1994 Project Steering Committee Worksession

Discussion Item - Project/Process Overview

Discussion Item - Public Lands and Resources (cont.)

Review County policies and action steps developed during the last worksession

County participation in public-land management decisions

Discussion and development of County action steps for remaining issues:

public lands access

multiple-use management

land classification

public land resource use and development

public land recreation and tourism

December 7, 1994 Project Steering Committee Worksession

Discussion Item - Private Land, County planning and zoning issues

Presentation and discussion/County Planning Staff and Planning Commission

County Land-use and Growth Management Policies

Land-use regulations - Are they necessary and what can they be used for?

What level of growth and type of development would we like to see in Emery County?

issues identified by residents include:

- maintaining rural character

- open space

- agricultural interests
- water shed protection
- commercial zones
- second home development
- sign ordinance

January 4, 1995 Project Steering Committee Worksession

Discussion Items - Water

Presentations and Panel Discussion-

Dennis Worwood - County Extension Agent

Darrel Leamaster - Special Service District Director

Carlyle Burton - Utah Power and Light water specialist

Lloyd Austin - State Division of Water Resources

Eugene Johansen - County and State Water Boards

Discussion and development of County policy and action steps for water resources.

May 2, 1995 Project Steering Committee Worksession

Discussion Topic - *Draft* policy review

Table of Contents overview

Value/Goal Statement overview

Review *draft* Policies, Objectives, Action Steps -

Public Lands

Private Lands

Economic Development

Recreation and Tourism

Water Resources

Review *Draft* plan public review and adoption process

June 6, 1995 Green River *Draft* Plan Briefing

Discussion Topic - *Draft* policy review

Table of Contents overview

Value/Goal Statement overview

Review *draft* Policies, Objectives, Action Steps -

Public Lands

Private Lands

Economic Development

Recreation and Tourism

Water Resources

Review *Draft* plan public review and adoption process

June 15, 1995 Project Steering Committee Worksession

Discussion Topic - Green River community comments, *Draft* plan review

Review *draft* Policies, Objectives, Action Steps -

Public Lands

Private Lands

Economic Development

Recreation and Tourism

Water Resources

Schedule *Draft* plan public review and adoption process

July 1995 - August 1996 Emery Public Lands Council *Draft* Plan Review

Council/consultant meetings as follows:

November 29, 1995 Emery Public Lands Council *Draft* Plan Briefing

Discussion Topic - *Draft* plan review

Review *draft* Policies, Objectives, Action Steps -

Public Lands

Private Lands

Economic Development

Recreation and Tourism

Water Resources

Address Public Lands Council comments and revisions

February 13, 1996 Emery Public Lands Council Worksession

Discussion Topic - *Draft* plan review and discussion

Review *draft* Policies, Objectives, Action Steps -

Public Lands

Private Lands

Economic Development

Recreation and Tourism

Water Resources

Address Public Lands Council comments and revisions

April 23, 1996 Emery Public Lands Council Worksession

Discussion Topic - *Draft* plan review and discussion

Review *draft* Policies, Objectives, Action Steps -

Public Lands

Private Lands

Economic Development

Recreation and Tourism

Water Resources

Address Public Lands Council comments and revisions

May 14, 1996 Emery Public Lands Council Worksession

Discussion Topic - *Draft* plan review and discussion

Review *draft* Policies, Objectives, Action Steps -

Public Lands

Private Lands

Economic Development

Recreation and Tourism

Water Resources

Address Public Lands Council comments and revisions

September 17, 1996 (scheduled) Emery County Planning Commission Public Hearing

Discussion Topic - *Draft* plan review and public comment

September 18, 1996 (scheduled) Planning Commission *Draft* Plan Public Comment Review and Plan Revisions/Recommendation to County Commissioners

Discussion Topic - *Draft* Plan revisions and review

October 1996 (scheduled) Emery County Commission Public Hearing

Discussion Topic - *Draft* plan review and public comment

Appendix E

Project 2000 "Futures" Workshop,

Resident Survey Results,

&

High School Outreach Summaries

Spring 1994

EMERY COUNTY GENERAL PLAN

FUTURES WORKSHOP

SMALL GROUP WALL NOTES

MAY 4th, 1994

NOTE:

- The following information is a summary of small group responses at a "Futures Workshop" held on May 4th, 1994 in Castle Dale, Utah. This Workshop is part of the Emery County General Planning Process.

- Workshop participants were divided into four small groups and were asked to individually draw a picture of and list their top three goals for the "ideal Emery County," based on their vision. Each group recorder listed individual goals on newsprint and the group voted on priority goals and created action steps to reach those goals.

- The numbers in parentheses represent the number of votes given by individuals to each goal within the small groups. Each person had three votes to choose their top three County goals. The goals with the most votes indicate the groups' priorities.

- The use of *Italic Text* represents comments/clarifications added after the May 4th Workshop by each small group recorder to assure that comments were clearly recorded and communicated in this summary.

GROUP A - Andrea Olson recording

Visions:

Keep youth here with jobs

Encourage tourism, but maintain aesthetics, regulations

Preserve water supply

Clean up County

Economy should not be so dependent on power plants

Educational opportunities

Increase recreation opportunities for everyone

Clean power plants

Air quality - *maintain/monitor*

Enhance towns

Preserve 100 mile views/vistas

Preservation of family lifestyle

Preserve San Rafael Swell

Economic diversification

Preserve blue skies, mountains, desert, forests for everyone

Support facilities we already have

Keep community lifestyle stable

Educational opportunities for all ages

Plan for and encourage responsible growth

Look into the development of a new reservoir

Sprinkling system

Become destination community

Recreation/motels/restaurants

Community involvement

Group Goals:

Goal # 1 Pollution free environment (4)

Goal # 2 Employment Opportunities (4)

Goal # 3 Preserve water supply (4)

Individual Goals:

Encourage tourism, but keep and maintain control. Keep mountains and deserts clean/maintain scenic beauty (1)

Greater flow of finance to education (1)

Crime free (1)

Have an improved life style (1)

Greater quality of air quality and medical service

Educational opportunities

Creation of jobs: outside mining and power, tourism

Develop road across Buckhorn Wash (3)

Tourism (2)

Develop clean, small manufacturing (2)

Preservation of natural beauty, especially San Rafael Swell (2)

Cleaner communities (2)

Maintain and improve land fill (1)

Hydro power development (1)

Development occurring in existing cities and towns - Enhancement of existing towns (clean up, history, culture) (1)

Have employment diversification, light industry, jobs for youth (1)

Cities and County working together (1)

Maintain multiple land uses

Good education for County (all age groups)

Diversify jobs

Employment diversity, lower employment rate

Community involvement

Community life stable, keep our community spirit alive

Group A Goal/Actions:

Goal # 1 Pollution free environment

Look into air pollution regulations

Pursue environmentally clean industries

Educate people about pollution, recycling, etc..

Responsible environmental education in schools

Support local officials by following regulations that they put in place

Goal # 2 Employment Opportunities

Look into developing the Wildcat area

Create opportunities for cities to work together (i.e. special service districts)

Put Buckhorn Wash road on transportation plan

Petition local government to pursue development of Buckhorn Wash road

Encourage BLM to put visitor center at #129 on I-70

Goal # 3 Preserve Water Supply

Develop sprinkling system

Working with farmers on water practices/*conservation*

Change zoning ordinances pertaining to water shares

GROUP B - DJ Baxter recording

Group Goals:

Goal #1 Keep lands open (4)

Goal #2 Provide for kids in Emery County (3)

Goal #3 Keep towns small enough to avoid problems, but big enough to provide for needs

(slow, controlled growth) (3)

Goal # 4 Keep agriculture as a viable life style. Preserve agriculture around town. (3)

Goal # 5 *Encourage new businesses by opening an Emery County Shopping Center and to get income*

from visitors (3).

Individual Goals:

Work together as a community -*Pursue common economic goals by cooperating with other areas of the County (2)*

Include the mining industry as an important economic force (2)

Use the land freely, but wisely (2)

Clean air/water. Focus on water, *preserve water quality and supply. (2)*

Pure environment - clean water and air

Preserve County's natural beauty

Keep job base without brown haze from power plants

Provide for 2 important age groups (Seniors and Youth)

Preserve family environment

Preserve mountains

Preserve quality of life - recreation

May need to tolerate - low crime and manage some outside incursions

Need cities to promote services/place to live

Preserve traditional lifestyle: run livestock on public lands, keep out people who oppose public lands grazing, stay small

Provide for more jobs, but keep small

Clear blue skies - not yellow

Don't need power plant

Sustainable agriculture - use land responsibly and still make good money

Preserve precious water - Xeriscaping, native plants & grasses

Sustainable use of environment

Small towns (keep them small)

Be willing to vary from status quo

Group B Goals/Actions: (Approaches - How To)

Goal #1 Keep Lands Open:

Preserve Multiple Use

Difference between owning/ managing

Demonstrate that traditional uses have value and are compatible with other uses

Preserve natural resources - use responsibility, coordinate efforts

Goal # 2 Provide Future for Kids:

More jobs through value added industries (see food processing)

Outfitters, environmental tourism

Try to attract big and small employers

Goal #3 *Slow, Controlled* Growth:

Limit # of building permits

Goal #4 Preserve Agriculture:

Spinoff jobs related to agriculture (e.g. value added agriculture, keep calves longer - sell by video auction, packing plant, food processing operation, by-product processing [dog food, shoes, etc.]

Goal #5 *Encourage New Businesses* and Get Income from Visitors:

Provide accommodations, *shopping center*, restaurants, etc..

RV Park

Attract senior citizens

GROUP C - Rulon Dutson recording

Group Goals:

Goal # 1 Maintain Emery County rural lifestyle (5)

Goal # 2 Maintain multiple-use (public lands) (3)

Goal # 3 Increase manufacturing sector of economy (4)

Goal # 4 Diversify economy (3)

Individual Goals:

Maintain access to public lands (3)

Convince federal agencies to work with us (2)

Grazing (2)

Maintain and develop jobs (1)

Strengthen multiple use concept of public lands, while protecting resources for the future (1)

Less government interference (more local input)

More private ownership of property

Preserve private property rights

Develop retail sector and light manufacturing

Maintain excellent education system

Encourage recreation and tourism

Develop Agricultural potential (*educate the public on the advantage of new agriculture potential in E.C. related to current agriculture*)

New and better hunting laws

Opening of missile base

Road - connect Green River and rest of County

Hotel and Camping - motels in Castle Dale

Explore, publicize & document income potential (*tourist potential, County income, increased employment, entertainment and education for residents young and old.*)

Railroad extension (better transportation network to distribute goods)

Wildlife maintenance and management

Group C - Goals/Actions:

1. Maintain Emery County's Rural Lifestyle

Action Steps:

Control growth through proper zoning

Law enforcement - no gang influence through teaching family values at home. Awareness programs at school (students & teachers). Youth activity (sports, rec. develop. center, equestrian center). *Maintain a good department Secure funding, Training (awareness)*

Increase pride in the County (awareness programs of strengths & weaknesses).

Clean-up programs (County, city and individual level)

Maintain/improve with additional activities community traditions (peach days, pageant, melon days, stockshows, County fair, Heritage days, HBB days)

County recreation opportunities (golf, equestrian center, recreation center).

Support clean air regulations on industry (awareness of emissions level, water)

2. Maintain Multiple Use of Public Lands (Grazing - Access)

Action Steps:

Push resolution of wilderness issue (Continue planning process, Lobby politicians)

Use land properly and educate others about our methods and practices: Eliminate "cries" from other side as they become more aware. *Better education on all levels* (development of "pride/respect").

Address grazing issue: Comment as County and as interest groups (industry) on proposals

3. & 4. Increase Manufacturing Sector of Economy & Diversify Economy

Action Steps:

Incentive (taxes, \$, land)

Reopen missile base

Extend railroad

Educate residents of opportunities

Develop tourism (advertise, develop and maintain facilities, publications-information)

GROUP E - Kevin Hanson recording

Group Goals:

Goal # 1 Jobs for youth (keep them here) (4)

Goal #2 Maintain present strengths of Emery County (listed below in Actions) (3)

Goal # 3 Connect all of County (roads and phones) (2)

Goal # 4 Improve water conservation methods (2)

Individual Goals:

Increase tourism (2)

Slow tourism (control and plan for growth) (1)

More recreation *opportunities* (youth center) (1)

Promote quality, small industry (low interest loans, enterprise zone) (1)

Community cooperation (*more communication/understanding between towns/cities in Emery County, reduce infighting*) (1)

Tie into information highway (1)

Increase access to federal and state offices/information in Emery County (by establishing actual branch offices or by establishing fiber/computer links to information, i.e. BLM, Medicaid/Medicare administration, welfare, etc..)(1)

Better Education (I)

Retain money where its generated, *keep Emery money in Emery County* (1)

Clean environment (beautification)

Maintain present assets (*quality of life, small town atmosphere, natural beauty, clean air/water, low crime, etc..*)

Group E Goals/Action Steps:

Goal # 1 Jobs for youth

Promote service sector opportunities

Limit fed/state regulations, *increase individual and community autonomy through planning and being informed of regulations*

Create quality employment

Promote tourism industry

Goal # 2 Strengths - Maintain

Rural atmosphere

Elbow room

Low crime rate

Clean Air

Strong retail services

Independence/*autonomy*

Promote service as our asset (*service as a value added component, promote quality service to keep residents from going to Price, promote Super Host status to encourage tourism*)

Goal # 3 Connect County

Improve intra-County phones

Offer 800 numbers for County offices to outlying Emery County areas

Pave Buckhorn road and pave most direct routes (soon)

Goal # 4 Water

Explore new water sources (seeding, wells, reservoirs)

Conserve, improve water transportation (pipe/concrete, agricultural sprinkler systems, etc..)

Emery County Planning Project

High School Student Visioning Exercises -

Green River High School & Emery High School 4/20/94

Emery High School - Mr. Reynolds, American Government Class - 1st period (extended comments are recorded exactly as stated)

Emery County Strengths

Class Comments -

- clean air
- teachers are good

- small classes
- good interaction with teachers
- energy industry
- farming
- drugs still uncommon
- small communities
- good place to raise your family
- fishing/camping/hiking
- recreation
- close to mountains
- desert
- not crowded
- guns are legal
- nice people
- few gangs
- few crimes
- you can go where you want to go
- excellent mining industry
- strong family units
- environment
- lots of cow pies

Individual Written Comments

- little pollution
- wilderness
- hunting
- good area for four-wheeling
- clean rivers
- lots of cops
- great beer parties

- great swimming
- lots of preserved land
- variety of houses to buy
- little traffic
- clean snow in winters
- you can ride your motorcycle without getting in trouble

Emery County Needs

Class Comments -

- tourists and visitors want to change the way we live in order to escape where they live
- medical facilities too far away
- everybody wants to move
- no entertainment
- youth recreational facilities
- better retail shopping - clothes

- improve tourist facilities
- County lacks hotels, motels, etc.

Individual Written Comments -

- boring - nothing to do at night
- expand youth job opportunities
- limited opportunities for kids
- need vocational more classes
- needs more people
- if we are going to come back, we need jobs to come back to
- I feel that you are only trying to benefit yourselves, not us

Emery County Future Policy

Class Comments -

- once facilities are built they need to be maintained
- need an ATV trail in the mountains like the Piute Trail
- people who live here should be the ones you should talk to. They are the ones living here and its their lives you're wanting to change
- balance development with concern for the environment
- don't let visitors change things like the desert - its a place where Emery County people love to visit themselves
- people living in Emery County should make the decisions [that impact Emery County]
- visitors should solve their own problems first
- if people don't like Emery County they should go somewhere else
- solutions should benefit Emery County, not everyone who wants to ruin it.

Individual Written Comments -

- wilderness areas are good in a way so you can protect the land but, they shouldn't stop the way we live so that they can get away from the way they live
- they shouldn't tear up the land with motorcycles and things, but they are fun to ride, so make trails for those people so they don't get bored, not put up fences to stop people
- keep wilderness areas out of Emery County
- I agree cows need to be confined to certain areas, to some kind of a nature area. Cows do overgraze the land
- some wilderness area is needed but not all area in Emery County needs to be wilderness, but all doesn't either
- need wilderness trails
- I think it should be a lot more like Salt Lake - encourage population growth, more money, more jobs
- I want to raise my kids in the same environment I was raised in
- I don't want gangs or drugs
- I like the smallness and everything, but to face the future we will have to change a little, just don't ruin it.

Emery County Planning Project**High School Student Visioning Exercises -****Green River High School & Emery High School 4/20/94**

Emery High School - Mr. Reynolds, American Government Class - 7th period 1:30 p.m.

(extended comments are recorded exactly as stated)

Emery County Strengths

Combined Class Comments -

- small/spread out
- quiet
- lots of recreational opportunities
- clean
- law crime/safe
- power plant - provides jobs
- mining industry
- agriculture/rural atmosphere
- good school - excel in sports

Emery County Needs

Combines Class Comments -

- reduced access to land negatively impacts business and recreation
- limited shopping for specialty goods
- few job opportunities for adults
- even fewer opportunities for youth
- if continue to grow will have problems with welfare/crime
- outside interests - "tree huggers"

Future County Policy

Class Comments/Group Presentations*-

- "thin them out" (see group drawing)
- meet together and talk about the issues - compromise
- educate - explore "realistic" expectations from tourists
- limit access for everyone, not just consumptive
- dispel fear of losing land
- controlled growth
- go home tree huggers, this is cowboy County
- "no more mountain bikes"
- use public lands freely, but responsibly
- *refer to group drawings

High School Student Visioning Exercises -

Green River High School & Emery High School 4/20/94

Green River High School - Mr. Hughes, American Government Class ~

Emery County Strengths

Combines Class Comments -

- quiet
- low crime/safer
- mountains and desert
- see stars at night
- small town friendly
- student to teacher ration - good
- strong agriculture and mining tradition

Emery County Needs

Combines Class Comments -

- unstable economy
- few jobs for youth - competition with adults for part-time jobs
- more social activities
- small town negative - everyone knows business
- youth recreational facilities
- need better class selection
- improved hospital facilities - too far away

Emery County Policy Direction

Class Comments/Group Presentations*-

- growth - 8 want more, 10 want to state the same
- better shopping for tourists and residents
- no Moab
- recreational facilities for youth and adults
- preserve existing economy - agriculture, mining, power plant
- maintain police department
- improve medical facilities
- maintain roads - improve transportation
- recreational opportunities for County and non-County residents
- job opportunities for young people
- maintain quality education programs
- no poaching, no littering
- hunting for residents only
- we would like a park

*refer to group summaries and drawings

Emery County Planning Project

High School Student Visioning Exercise -

Green River High School & Emery High School 4/20/94

Green River High School - Mr. Hughes, American Government Class -

Combines class goals - (all statements are written exactly as stated)

- pave the roads better
- road crews to help clean streets
- change the way the dump is set up
- more business - example: instead of chow hound - dairy queen
- theater in Green River
- driving range
- public pool with collapsible dome
- mountain bike trails - map some of the back roads
- some type of industry
- an incinerator
- more trees and vegetation
- expand the park - get rid of the old baseball park, put more fun things in the park
- more street lights

Individuals comments in response to "how do you view Emery County's future?"

- empty like this paper
- "treehuggers" are going to run us out
- "sliverlips" should go ride of a slickrock cliff
- no treehuggers, treehuggers bite, etc. (three individuals)
- open missile base back up
- bowling in Green River
- we need more boys
- major league baseball - The Green River Melons
- NBA basketball - The Green River Catfish

MAJOR THEMES/TOPICS IN THE QUESTIONNAIRES:

Rural Lifestyle and Community Values

- Preserving the small town, rural and country atmosphere while attracting industry, business, tourism and jobs.
- Increasing County beautification.

Economy

- Stress/encourage economic development, more jobs, keep youth and young families from leaving the County, and develop small businesses.
- Attract non-polluting, light industry. Diversify the economic base beyond power generation and coal industries.

Education

- Keep the good schools and educational system that is in place now.

Infrastructure and Government

- Develop better relationships between the South and North areas of Emery County. More County unity.

Human/Social Services

- Preserve the low crime atmosphere in the County.
- Address the welfare issue in the County.
- More structured activities for the youth.

Land Use and Public Lands

- More County control and input in the management decisions of adjacent public lands. Continue access to lands.
- Relationships among Environmentalists, political/special interests, outsiders and Emery County residents.
- Dealing with Federal mandates and agencies.

- Strengthen planning and zoning ordinances

Recreation and Tourism

- Develop more entertainment and recreation facilities and programs for all ages.
- Continue access to great hunting, fishing, and camping.
- Develop tourist facilities (motels, restaurants, RV parks etc.). Advertise the County and desert to attract new people. However, careful planning, controlled growth are essential, not another Moab and St. George.

Resources

- Clean water. More water conservation methods.
- Clean environment free from pollution.

Appendix F

General Plan Adoption and Amendment Process

State Code Plan Adoption and Amendment Process

10-9-303/17-27-303

(1) (a) After completing a proposed general plan for all or part of the area within the municipality [County], the planning commission shall schedule and hold a public hearing on the proposed plan.

(b) The planning commission shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing.

© After the public hearing, the planning commission may make changes to the proposed general plan.

(2) The planning commission shall then forward the proposed plan to the legislative body.

(3) (a) The legislative body shall hold a public hearing on the proposed general plan recommended to it by the planning commission.

(b) The legislative body shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing.

(4) After the public hearing, the legislative body may make any modifications to the proposed general plan that it considers appropriate.

(5) The legislative body may:

(a) adopt the proposed general plan without amendment;

(b) amend the proposed general plan and adopt or reject it as amended; or

© reject the proposed general plan.

(6) (a) The general plan is an advisory guide for land use decisions.

(b) The legislative body may adopt an ordinance mandating compliance with the general plan.

Appendix G

Emery County Profile

Appendix H

H.R. 3625

A Bill to establish the San Rafael Swell National Heritage Area and the
San Rafael Swell National Conservation Area

H.R.3625

San Rafael Swell National Heritage and Conservation Act (Reported in the House)

Union Calendar No. 387

105th CONGRESS

2d Session

H. R. 3625

[Report No. 105-685]

A BILL

To establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area in the State of Utah, and for other purposes.

August 7, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

HR 3625 RH

Union Calendar No. 387

105th CONGRESS

2d Session

H. R. 3625

[Report No. 105-685]

To establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area in the State of Utah, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

April 1, 1998

Mr. CANNON introduced the following bill; which was referred to the Committee on Resources

August 7, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

SECTION 1. SHORT TITLE.

This Act may be cited as the `San Rafael Swell National Heritage and Conservation Act'.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

TITLE I--SAN RAFAEL SWELL NATIONAL HERITAGE AREA

Sec. 101. Short title; findings; purposes.

Sec. 102. Designation.

Sec. 103. Definitions.

Sec. 104. Grants, technical assistance, and other duties and authorities of Federal agencies.

Sec. 105. Compact and heritage plan.

Sec. 106. Heritage Council.

Sec. 107. Lack of effect on land use regulation.

Sec. 108. Authorization of appropriations.

TITLE II--SAN RAFAEL SWELL NATIONAL CONSERVATION AREA

Subtitle A--Establishment of Conservation Area

Sec. 201. Definition of plan.

Sec. 202. Establishment of national conservation area.

Sec. 203. Management.

Sec. 204. Additions.

Sec. 205. Advisory Council.

Sec. 206. Relationship to other laws and administrative provisions.

Sec. 207. Communications equipment.

Subtitle B--Wilderness Areas Within Conservation Area

Sec. 221. Designation of wilderness.

Sec. 222. Administration of wilderness areas.

Sec. 223. Livestock.

Sec. 224. Wilderness release.

Subtitle C--Other Special Management Areas

Sec. 231. San Rafael Swell Desert Bighorn Sheep Management Area.

Sec. 232. Semi-primitive nonmotorized use areas.

Sec. 233. Scenic visual area of critical environmental concern.

TITLE III--GENERAL MANAGEMENT PROVISIONS

Sec. 301. Livestock grazing.

Sec. 302. Cultural and paleontological resources.

Sec. 303. Land exchanges relating to school and institutional trust lands.

Sec. 304. Water rights.

Sec. 305. Miscellaneous.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ADVISORY COUNCIL**- The term `Advisory Council' means the San Rafael Swell National Conservation Area Advisory Council

established under section 205.

(2) **CONSERVATION AREA**- The term `conservation area' means the San Rafael Swell National Conservation Area established by section

202.

(3) **DIRECTOR**- The term `Director' means the Director of the Bureau of Land Management.

(4) **NATIONAL HERITAGE AREA**- The term `national heritage area' means the San Rafael Swell National Heritage Area established by

section 103.

(5) **SECRETARY**- The term `Secretary' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) **SEMI-PRIMITIVE AREA**- The term `semi-primitive area' means any area designated as a semi-primitive nonmotorized use area under

section 232.

SEC. 101. SHORT TITLE; FINDINGS; PURPOSES.

(a) **SHORT TITLE-** This title may be cited as the `San Rafael Swell National Heritage Area Act'.

(b) **FINDINGS-** Congress finds the following:

(1) The history of the American West is one of the most significant chapters of United States history, and the major themes and images of the

history of the American West provide a legacy that has done much to shape the contemporary culture, attitudes, and values of the American

West and the United States.

(2) The San Rafael Swell region of the State of Utah was one of the country's last frontiers and possesses important historical, cultural, and

natural resources that are representative of the central themes associated with the history of the American West, including themes of

pre-Columbian and Native American culture, exploration, pioneering, settlement, ranching, outlaws, prospecting and mining, water

development and irrigation, railroad building, industrial development, and the utilization and conservation of natural resources.

(3) The San Rafael Swell region contains important historical sites, including sections of the Old Spanish Trail, the Outlaw Trail, the Green

River Crossing, and numerous sites associated with cowboy, pioneer, and mining history.

(4) The heritage of the San Rafael Swell region includes the activities of many prominent historical figures of the old American West, such as

Chief Walker, John Wesley Powell, Kit Carson, John C. Fremont, John W. Gunnison, Butch Cassidy, John W. Taylor, and the Swasey

brothers.

(5) The San Rafael Swell region has a notable history of coal and uranium mining, and a rich cultural heritage of activities associated with

mining, such as prospecting, railroad building, immigrant workers, coal camps, labor union movements, and mining disasters.

(6) The San Rafael Swell region is widely recognized for its significant paleontological resources and dinosaur bone quarries, including the

Cleveland Lloyd Dinosaur Quarry which was designated as a National Natural Landmark in 1966.

(7) The beautiful rural landscapes, historic and cultural landscapes, and spectacular scenic vistas of the San Rafael Swell region contain

significant undeveloped recreational opportunities for people throughout the United States.

(8) Museums and visitor centers have already been constructed in the San Rafael Swell region, including the John Wesley Powell River

History Museum, the College of Eastern Utah Prehistoric Museum, the Museum of the San Rafael, the Western Mining and Railroad

Museum, the Emery County Pioneer Museum, and the Cleveland Lloyd Dinosaur Quarry, and these museums are available to interpret the

themes of the national heritage area established by this title and to coordinate the interpretive and preservation activities of the area.

(9) Despite the efforts of the State of Utah, political subdivisions of the State, volunteer organizations, and private businesses, the cultural,

historical, natural, and recreational resources of the San Rafael Swell region have not realized their full potential and may be lost without

assistance from the Federal Government.

(10) Many of the historical, cultural, and scientific sites of the San Rafael Swell region are located on lands owned by the Federal

Government and are managed by the Bureau of Land Management or the United States Forest Service.

(11) The preservation of the cultural, historical, natural, and recreational resources of the San Rafael Swell region within a regional

framework requires cooperation among local property owners and Federal, State, and local government entities.

SEC. 101. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE- This title may be cited as the `San Rafael Swell National Heritage Area Act'.

(b) FINDINGS- Congress finds the following:

(1) The history of the American West is one of the most significant chapters of United States history, and the major themes and images of the

history of the American West provide a legacy that has done much to shape the contemporary culture, attitudes, and values of the American

West and the United States.

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natural resources that are representative of the central themes associated with the history of the American West, including themes of

pre-Columbian and Native American culture, exploration, pioneering, settlement, ranching, outlaws, prospecting and mining, water

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(10) Many of the historical, cultural, and scientific sites of the San Rafael Swell region are located on lands owned by the Federal

Government and are managed by the Bureau of Land Management or the United States Forest Service.

(11) The preservation of the cultural, historical, natural, and recreational resources of the San Rafael Swell region within a regional

framework requires cooperation among local property owners and Federal, State, and local government entities.

(12) Partnerships between Federal, State, and local governments, local and regional entities of these governments, and the private sector

offer the most effective opportunities for the enhancement and management of the cultural, historical, natural, and recreational resources of

the San Rafael Swell region.

SEC. 102. DESIGNATION.

There is hereby designated the San Rafael Swell National Heritage Area.

SEC. 103. DEFINITIONS.

For purposes of this title:

(1) COMPACT- The term `compact' means an agreement described in section 105(a).

(2) FINANCIAL ASSISTANCE- The term `financial assistance' means funds appropriated by the Congress and made available to the

Heritage Council for the purposes of preparing and implementing a heritage plan.

(3) HERITAGE AREA- The term `Heritage Area' means the San Rafael Swell National Heritage Area established by this title.

(4) HERITAGE PLAN- The term `heritage plan' means a plan described in section 105(b).

(5) HERITAGE COUNCIL- The term `Heritage Council' means the entity designated in the compact for a National Heritage Area and

described in section 106(a).

(6) SECRETARY- The term `Secretary' means the Secretary of the Interior.

(7) TECHNICAL ASSISTANCE- The term `technical assistance' includes--

(A) assistance by the Secretary in the preparation of any heritage plan, compact, or resource inventory; and

(B) professional guidance provided by the Secretary.

(8) UNIT OF GOVERNMENT- The term `unit of government' means the government of a State, a political subdivision of a State, or an

Indian tribe.

SEC. 104. GRANTS, TECHNICAL ASSISTANCE, AND OTHER DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) GRANTS-

(1) IN GENERAL- The Secretary may make grants for the purposes of this title to any unit of government or to the Heritage Council.

(2) PERMITTED AND PROHIBITED USES OF GRANTS-

(A) PERMITTED USES- Grants made under this section may be used for reports, studies, interpretive exhibits, historic preservation

projects, construction of cultural, recreational, and interpretive facilities that are open to the public, and such other expenditures as

are consistent with this title.

(B) PROHIBITED USES- Grants made under this section may not be used for acquisition of real property or any interest in real

property.

(3) APPLICABILITY OF RESTRICTIONS TO SUBGRANTS- For purposes of paragraph (2), any subgrant made from funds received as a

grant (or subgrant) made under this section shall be treated as a grant made under this section.

(4) PROTECTION OF FEDERAL INVESTMENT- Any grant made under this section shall be subject to an agreement that conversion, use,

or disposal of the project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right

of the United States to compensation equal to the greater of--

(A) all Federal funds made available to such project under this title; or

(B) the proportion of the increased value of the project attributable to such funds, as determined at the time of such conversion, use, or

disposal.

(b) TECHNICAL ASSISTANCE- The Secretary may provide technical assistance with respect to this title.

(c) DURATION OF ELIGIBILITY FOR GRANTS AND TECHNICAL ASSISTANCE- The Secretary may not provide any grant, and may provide

only limited technical assistance, under this title after the expiration of the 10-year period beginning on the date of the designation of the National

Heritage Area.

(d) DISQUALIFICATION FOR FEDERAL FUNDING- If a heritage plan meeting the requirements of section 105(b) is not forwarded to the

Secretary as required under section 106(b)(1) within the time specified in section 106(b)(1), the Secretary may not, after such time, provide

technical assistance or grants under this title until such a heritage plan for the National Heritage Area is developed and forwarded to the Secretary.

(e) OTHER DUTIES AND AUTHORITIES OF SECRETARY-

(1) **SIGNING OF COMPACT-** The Secretary shall sign or withhold signature on any proposed compact submitted under this title not later

than 90 days after receiving the proposed compact. If the Secretary withholds signature on the proposed compact, the Secretary shall advise

the submitter, in writing, of the reasons. The Secretary shall sign or withhold signature on each proposed revision to the proposed compact

not later than 90 days after receiving the proposed revision. A submitter shall hold a public meeting in the immediate vicinity of the proposed

National Heritage Area before making any major revisions in any proposed compact submitted under this title.

(2) **MONITORING OF NATIONAL HERITAGE AREA-** The Secretary shall monitor the National Heritage Area. Monitoring of the National

Heritage Area shall include monitoring to ensure compliance with the terms of the compact for the area.

(f) **DUTIES OF FEDERAL ENTITIES-** Any Federal entity conducting or supporting activities within the National Heritage Area, and any unit of

government acting pursuant to a grant of Federal funds or a Federal permit or agreement and conducting or supporting such activities, shall, to

the maximum extent practicable--

(1) consult with the Secretary and the Heritage Council for the National Heritage Area with respect to such activities; and

SEC. 105. COMPACT AND HERITAGE PLAN.

(a) **COMPACT-**

(1) IN GENERAL- The compact submitted under this title with respect to the National Heritage Area shall consist of an agreement entered

into by the Secretary, the Secretary of Agriculture, and the Governor of Utah or a designee of the Governor, in coordination with the

Heritage Council. Such agreement shall define the area, describe anticipated programs for the area, and include information relating to the

objectives and management of the area. Such information shall include, but need not be limited to, each of the following:

(A) BOUNDARIES- A delineation of the boundaries of the National Heritage Area. Such boundaries shall include the land generally

depicted on the map entitled San Rafael Swell National Heritage-Conservation Area Proposed, dated June 12, 1998, which shall be on

file and available for public inspection in the office of the Director of the Bureau of Land Management.

(B) MANAGEMENT ENTITY- An identification and description of the Heritage Council.

(C) NON-FEDERAL PARTICIPANTS- A list of the initial participants to be involved in developing and implementing the heritage plan

and a statement of the financial commitment of those participants.

(D) GOALS, OBJECTIVES, AND CONCEPTUAL FRAMEWORK- A discussion of the goals, objectives, and cost of the National

Heritage Area, including an explanation of--

(i) the conceptual framework, proposed by the partners referred to in subparagraph (C), for development and implementation of

the heritage plan for the National Heritage Area; and

(ii) the costs associated with the conceptual framework.

(E) ROLE OF STATE- A description of the role of the State of Utah.

(2) CONSISTENCY WITH ECONOMIC VIABILITY- The compact submitted under this title shall be consistent with continued economic

viability in the communities within the National Heritage Area.

(3) INITIATION OF ACTIONS- Actions called for in the compact shall be initiated within a reasonable time after designation of the National

Heritage Area and shall ensure effective implementation of the State and local aspects of the compact.

(b) HERITAGE PLAN-

(1) IN GENERAL- The heritage plan forwarded to the Secretary under this title shall be a plan which sets forth the strategy to implement the

goals and objectives of the National Heritage Area. The heritage plan shall--

(A) present comprehensive recommendations for the conservation, funding, management, and development of the area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, private property owners, public

agencies, and private organizations in the area;

(D) include a description of actions that units of government and private organizations could take to protect the resources of the area;

and

(E) specify existing and potential sources of funding for the conservation, management, and development of the area.

(2) **ADDITIONAL INFORMATION-** The heritage plan forwarded to the Secretary under this title also shall include the following, as

appropriate:

(A) **INVENTORY OF RESOURCES-** An inventory of important natural, cultural, or historic resources which illustrate the themes of the

National Heritage Area.

(B) **RECOMMENDATIONS FOR MANAGEMENT-** A recommendation of policies for management of the historical, cultural, and

natural resources and the recreational and educational opportunities of the area in a manner consistent with the support of

appropriate and compatible economic viability.

SEC. 106. HERITAGE COUNCIL.

(a) **IN GENERAL-** The management entity for the National Heritage Area shall be known as the 'Heritage Council'. The Heritage Council shall be

an entity that reflects a broad cross-section of interests within the National Heritage Area and shall include--

(1) at least 1 representative of one or more units of government in the State of Utah;

(2) representatives of interested or affected groups; and

(3) private property owners who reside within the National Heritage Area.

(b) DUTIES- The Heritage Council shall fulfill each of the following requirements:

(1) HERITAGE PLAN- Not later than 3 years after the date of the designation of the National Heritage Area, the Heritage Council shall

develop and forward to the Secretary and to the Governor of Utah a heritage plan in accordance with the compact under subsection (a).

(2) PRIORITIES- The Heritage Council shall give priority to the implementation of actions, goals, and policies set forth in the compact and

heritage plan for the National Heritage Area, including assisting units of government and others in--

(A) carrying out programs which recognize important resource values within the National Heritage Area;

(B) encouraging economic viability in the affected communities;

(C) establishing and maintaining interpretive exhibits in the area;

(D) developing recreational and educational opportunities in the area;

(E) increasing public awareness of and appreciation for the natural, historical, and cultural resources of

the area;

(F) restoring historic buildings that are located within the boundaries of the area and relate to the theme of the area; and

(G) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are put in place

throughout the area.

(3) CONSIDERATION OF INTERESTS OF LOCAL GROUPS- The Heritage Council shall, in developing and implementing the heritage plan

for the National Heritage Area, consider the interests of diverse units of government, businesses, private property owners, and nonprofit

groups within the geographic area.

(4) PUBLIC MEETINGS- The Heritage Council shall conduct public meetings at least annually regarding the implementation of the heritage

plan for the National Heritage Area. The Heritage Council shall place a notice of each such meeting in a newspaper of general circulation in

the area and shall make the minutes of the meeting available to the public.

SEC. 107. LACK OF EFFECT ON LAND USE REGULATION.

(a) LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS- Nothing in this title shall be construed to modify, enlarge, or diminish any

authority of Federal, State, and local governments to regulate any use of land as provided for by law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS OF ENTITY- Nothing in this title shall be construed to grant powers of zoning or land use to the

management entity for the National Heritage Area.

(c) BLM AUTHORITY-

(1) IN GENERAL- Nothing in this title shall be construed to modify, enlarge, or diminish the authority of the Secretary or the Bureau of Land

Management with respect to lands under the administrative jurisdiction of the Bureau.

(2) COOPERATION- In carrying out this title, the Secretary shall work cooperatively under the Federal Land Policy and Management Act of

1976 with the Forest Service, the Heritage Council under section 106, State and local governments, and private entities.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL- There are authorized to be appropriated for grants made and technical assistance provided under subsections (a) and (b),

respectively, of section 104, and the administration of such grants and assistance, not more than \$1,000,000 annually, to remain available until

expended.

(b) ANNUAL ALLOCATION FOR GRANTS- In any fiscal year, not less than 70 percent of the funds obligated under this title shall be used for

grants made under section 104(a).

(c) LIMITATION ON PERCENT OF COST-

(1) IN GENERAL- Federal funding provided under this title, after the designation of the National

Heritage Area, for any technical assistance

or grant with respect to the area may not exceed 50 percent of the total cost of the assistance or grant. Federal funding provided under this

title with respect to an area before the designation of the area as the National Heritage Area may not exceed an amount proportionate to the

level of local support of and commitment to the designation of the area.

(2) TREATMENT OF DONATIONS- The value of property or services donated by non-Federal sources and used for management of the

National Heritage Area shall be treated as non-Federal funding for purposes of paragraph (1).

(d) LIMITATION ON TOTAL FUNDING- Not more than a total of \$10,000,000 may be made available under this section with respect to the

National Heritage Area.

(e) ALLOCATION OF APPROPRIATIONS- Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the

Secretary to carry out this title--

(1) may be obligated or expended by any person unless the appropriation of such funds has been allocated in the manner prescribed by this

title; or

(2) may be obligated or expended by any person in excess of the amount prescribed by this title.

TITLE II--SAN RAFAEL SWELL NATIONAL CONSERVATION AREA

Subtitle A--Establishment of Conservation Area

SEC. 201. DEFINITION OF PLAN.

In this title, the term `plan' means the comprehensive management plan developed for the national conservation area under section 203, including

such revisions thereto as may be required in order to implement this title.

SEC. 202. ESTABLISHMENT OF NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT- In order to preserve and maintain heritage, tourism, recreational, historical, scenic, archaeological, paleontological,

biological, cultural, scientific, educational, and economic resources, there is hereby established the San Rafael Swell National Conservation Area.

(b) AREA INCLUDED- The conservation area shall consist of all public lands within the exterior boundaries of the conservation area, comprised of

approximately 630,000 acres, as generally depicted on the map entitled `San Rafael Swell National Heritage/Conservation Area Proposed', dated

June 12, 1998, including areas depicted within those boundaries on that map as `Proposed Wilderness', `Proposed Bighorn Sheep Management

Area', `Scenic Visual Area of Critical Environmental Concern', and `Semi-Primitive Non-Motorized Use Areas'.

(c) MAP AND LEGAL DESCRIPTION- As soon as is practicable after enactment of this Act, the map referred to in subsection (b) and a legal

description of the conservation area shall be filed by the Secretary with the Committee on Resources of the House of Representatives and the

Committee on Energy and Natural Resources of the Senate. Such map and description shall have the same force and effect as if included in this

Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Such map and description shall be

on file and available for public inspection in the office of the Director and the Utah State Director of the Bureau of Land Management of the

Department of the Interior.

(d) WITHDRAWALS- Subject to valid existing rights, the Federal lands within the conservation area are hereby withdrawn from all forms of entry,

appropriation, or disposal under the public land laws; and from entry, application, and selection under the Act of March 3, 1877 (Ch. 107, 19 Stat.

377, 43 U.S.C. 321 et seq.; commonly referred to as the `Desert Lands Act'), section 4 of the Act of August 18, 1894 (Ch. 301, 28 Stat. 422; 43

U.S.C. 641; commonly referred to as the `Carey Act'), section 2275 of the Revised Statutes, as amended (43 U.S.C. 851), and section 2276 of the

Revised Statutes (43 U.S.C. 852). The Secretary shall return to the applicants any such applications pending on the date of enactment of this Act,

without further action. Subject to valid existing rights, as of the date of enactment of this Act, lands within the conservation area are withdrawn

from location under the general mining laws, the operation of the mineral and geothermal leasing laws, and the mineral material disposal laws,

except that mineral materials subject to disposal may be made available from existing sites to the extent compatible with the purposes for which

the conservation area is established.

(e) CLOSURE TO FORESTRY- The Secretary shall prohibit all commercial sale of trees, portions of trees, and forest products located in the conservation area.

SEC. 203. MANAGEMENT.

(a) IN GENERAL- The Secretary shall, in consultation with the Advisory Council and subject to valid existing rights, manage the conservation area

to conserve, protect, and enhance the resources of the conservation area referred to in section 202(a), the Federal Land Policy and Management

Act of 1976, and other applicable laws.

(b) USES- The Secretary shall allow such uses of the conservation area as are specified in the management plan developed under subsection (b)

and that the Secretary finds will further the conservation, protection, enhancement, public use, and enjoyment of the resource values referred to in

section 202(a). Except when needed for administrative and emergency purposes, the uses of motorized vehicles in the conservation area shall be

permitted only on roads and trails specifically designated for such use as part of the management plan prepared pursuant to subsection (c).

(c) MANAGEMENT PLAN- No later than 3 years after the date of enactment of this Act, the Secretary, in cooperation with the Advisory Council,

shall develop a comprehensive plan for the long-range management and protection of the conservation area. The plan shall be developed with full

opportunity for public participation and comment, and shall contain provisions designed to assure access to and protection of the heritage, tourism,

recreational, historical, scenic, archaeological, paleontological, biological, cultural, scientific, educational, and economic resources and values of

the conservation area.

(d) VISITORS-

(1) VISITORS CENTER- The Secretary may establish, in cooperation with the Advisory Council and other public or private entities as the

Secretary considers appropriate, a visitors center designed to interpret the history and the geological, ecological, natural, cultural, and other

resources of the conservation area.

(2) VISITORS USE OF AREA- In addition to the Visitors Center, the Secretary may provide for visitor use of the public lands in the

conservation area to such extent and in such manner as the Secretary considers consistent with the purposes for which the conservation area

is established. To the extent practicable, the Secretary shall make available to visitors and other members of the public a map of the

conservation area and such other educational and interpretive materials as may be appropriate.

(e) COOPERATIVE AGREEMENTS- The Secretary may provide technical assistance to, and enter into such cooperative agreements and contracts

with, the State of Utah and with local governments and private entities as the Secretary deems necessary or desirable to carry out the purposes and

policies of this title.

SEC. 204. ADDITIONS.

(a) ADDITION TO CONSERVATION AREA- Any lands located within the boundaries of the conservation area that are acquired by the United

States on or after the date of enactment of this Act shall become a part of the conservation area and shall be subject to this title.

(b) LAND EXCHANGES TO RESOLVE CONFLICTS- The Secretary shall, within 4 years after the date of enactment of this Act, study, identify,

and initiate voluntary land exchanges which would resolve ownership-related land use conflicts within the conservation area. Lands may be

acquired under this subsection only from willing sellers.

SEC. 205. ADVISORY COUNCIL.

(a) ESTABLISHMENT- There is established the San Rafael Swell National Conservation Area Advisory Council. The Advisory Council shall advise

the Secretary regarding management of the conservation area.

(b) MEMBERSHIP-

(1) IN GENERAL- The Advisory Council shall consist of 11 members appointed by the Secretary from among persons who are representative

of the various major citizen's interests concerned with the management of the public lands located in the conservation area. Of the

members--

(A) 2 shall be appointed from individuals recommended by the Governor of the State of Utah;

(B) 4 shall be appointed from individuals recommended by the Board of Commissioners of Emery County, Utah, and shall include a

representative of each of the Emery County Public Lands Council and the San Rafael Regional Heritage Council recognized under

section 104(a);

(C) 1 shall be the Director of the Bureau of Land Management in the State of Utah, or his or her designee; and

(D) 4 shall be selected by the Secretary.

(2) APPOINTMENT PROCESS- The Secretary shall appoint the members of the Advisory Council in accordance with rules prescribed by the

Secretary.

(3) TERMS- (A) The term of members of the Advisory Council shall be a period established by the Secretary, which may not exceed 4 years

and which, except as provided by subparagraph (B), shall be the same for all members.

(B) In appointing the initial members of the Advisory Council, the Secretary shall, for a portion of the members, specify terms that are

shorter than the period established under subparagraph (A), as necessary to achieve staggering of terms.

(c) CHAIRPERSON- The Advisory Council shall have a Chairperson, who shall be selected by the Advisory Council from among its members.

(d) MEETINGS- The Advisory Council shall meet at least twice each year, at the call of the Secretary or the Chairperson.

(e) PAY AND EXPENSES- Members of the Advisory Council shall serve without pay, except travel and per diem shall be paid to each member for

meetings called by the Secretary or the Chairperson.

(f) FURNISHING ADVICE- The Advisory Council may furnish advice to the Secretary with respect to the planning and management of the public

lands within the conservation area and such other matters as may be referred to it by the Secretary.

(g) TERMINATION- The Advisory Council shall terminate 10 years after the date of the enactment of this Act, unless otherwise extended by law.

SEC. 206. RELATIONSHIP TO OTHER LAWS AND ADMINISTRATIVE PROVISIONS.

(a) PUBLIC LAND LAWS- Except as otherwise specifically provided in this Act, nothing in this title shall be construed as limiting the applicability

to lands in the conservation area of laws applicable to public lands generally, including but not limited to the National Historic Preservation Act

(16 U.S.C. 470 et seq.), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), or the Native American Graves Protection

and Repatriation Act (25 U.S.C. 3001 et seq.).

(b) NON-BLM LAND- Nothing in this title shall be construed as by itself altering the status of any lands that on the date of enactment of this Act

were not managed by the Bureau of Land Management.

SEC. 207. COMMUNICATIONS EQUIPMENT.

Nothing in this Act shall be construed to prohibit the Secretary from authorizing the installation of communications equipment in the conservation

area for public safety purposes, other than within areas designated as wilderness, to the highest practicable degree consistent with requirements

and restrictions otherwise applicable to the conservation area.

SEC. 207. COMMUNICATIONS EQUIPMENT.

Nothing in this Act shall be construed to prohibit the Secretary from authorizing the installation of communications equipment in the conservation

area for public safety purposes, other than within areas designated as wilderness, to the highest practicable degree consistent with requirements

and restrictions otherwise applicable to the conservation area.

SEC. 221. DESIGNATION OF WILDERNESS.

(a) DESIGNATION- In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the conservation area, as

generally depicted on the map entitled 'San Rafael Swell National Heritage/Conservation Area Proposed', dated June 12, 1998, are hereby

designated as wilderness and therefore as components of the National Wilderness Preservation System:

(1) Crack Canyon Wilderness Area, consisting of approximately 25,624 acres.

(2) Mexican Mountain Wilderness Area, consisting of approximately 27,257 acres.

(3) Muddy Creek Wilderness Area, consisting of approximately 39,348 acres.

(4) San Rafael Reef Wilderness Area, consisting of approximately 48,227 acres.

(b) MAP AND DESCRIPTION- As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and a legal

description of each area designated as wilderness by subsection (a) with the Committee on Resources of the House of Representatives and the

Committee on Energy and Natural Resources of the Senate. Each map and description shall have the same force and effect as if included in this

Act, except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions. Each map and legal description

shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, and the office of the State

Director of the Bureau of Land Management in the State of Utah, Department of the Interior.

SEC. 222. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL- Subject to valid existing rights and the full exercise of those rights, each area designated as wilderness by this title shall be

administered by the Secretary in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) INCORPORATION OF ACQUIRED LANDS AND INTERESTS- Any lands or interest in lands within the boundaries of an area designated as

wilderness by this title that is acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of

the wilderness area within which the acquired lands or interest in lands are located.

(c) MANAGEMENT PLANS- As soon as possible after the date of the enactment of this Act, the Secretary, in cooperation with the Advisory

Council, shall prepare plans in accordance with section 202 of the Federal Land Policy

and Management Act of 1976 (43 U.S.C. 1712) to manage the areas designated as wilderness by this title.

SEC. 223. LIVESTOCK.

Grazing of livestock in areas designated as wilderness by this Act, where such grazing is established before the date of the enactment of this Act--

(1) may not be reduced, increased, or withdrawn, except based solely on scientific analyses of range conditions; and

(2) shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House

Report 96-1126.

SEC. 224. WILDERNESS RELEASE.

(a) FINDING- The Congress finds and directs that public lands administered by the Bureau of Land Management within the conservation area in

the County of Emery, Utah, that are depicted on the map entitled `San Rafael Swell National Heritage/Conservation Area Proposed', dated June

12, 1998, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of

1976 (43 U.S.C. 1782).

(b) RELEASE- Any public lands administered by the Bureau of Land Management within the conservation area in the County of Emery, Utah, that

are depicted on the map entitled `San Rafael Swell National Heritage/Conservation Area Proposed', dated June 12, 1998, and that are not

designated as wilderness by this title are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C.

1782(c)). Such lands shall be managed for public uses as defined in section 103(c) of the Federal Land Policy and Management Act of 1976 (43

U.S.C. 1702(c)) and in accordance with land management plans adopted pursuant to section 202 of such Act (43 U.S.C. 1712) and this Act.

SEC. 231. SAN RAFAEL SWELL DESERT BIGHORN SHEEP MANAGEMENT AREA.

(a) ESTABLISHMENT AND PURPOSES-

(1) ESTABLISHMENT- There is hereby established in the conservation area the San Rafael Swell Desert Bighorn Sheep Management Area (in

this section referred to as the `management area').

(2) PURPOSES- The purposes of the management area are the following:

(A) To provide for the prudent management of Desert Bighorn Sheep and their habitat in the Sid's Mountain area of the conservation

area.

(B) To provide opportunities for watchable wildlife, hunting, and scientific study of Desert Bighorn Sheep and their habitat.

(C) To provide a seed source for other Desert Bighorn Sheep herds, and a gene pool to protect genetic diversity within the Desert

Bighorn Sheep species.

(D) To provide educational opportunities to the public regarding Desert Big Horn Sheep and their environs.

(E) To maintain the natural qualities of the lands and habitat of the management area to the extent practicable with prudent

management of desert bighorn sheep.

(b) AREA INCLUDED- The management area shall consist of approximately 73,909 acres of federally owned lands and interests therein managed

by the Bureau of Land Management as generally depicted on the map entitled 'San Rafael Swell National Heritage/Conservation Area Proposed',

dated June 12, 1998.

(c) MANAGEMENT AND USE-

(1) IN GENERAL- Except as otherwise provided in this section, the management area and use of the management area shall be subject to all

requirements and restrictions that apply to the conservation area.

(2) MECHANIZED TRAVEL- The Secretary shall not allow any mechanized travel in the management area, except--

(A) mechanized travel that is in accordance with the plan; and

(B) mechanized travel by personnel of the Utah Division of Wildlife Resources and the Bureau of Land Management, including

overflights of aircraft and landings of helicopters, may be allowed as needed to manage the Desert Bighorn Sheep and their habitat.

(3) DESERT BIGHORN SHEEP MANAGEMENT- The Secretary and the Utah Division of Wildlife Resources may use such management

tools as are needed to provide for the sustainability of the Desert Bighorn Sheep herd and the range resource of the management area,

including animal transplanting (both into and out of the management area), hunting, water development, fencing, surveys, prescribed fire,

control of noxious or invading weeds, and predator control.

(4) WILDLIFE VIEWING- The Secretary, in cooperation with the State of Utah and the Advisory Council, shall manage the management

area to provide opportunities for the public to view Desert Bighorn Sheep in their natural habitat. However, the

Secretary may restrict mechanized and nonmechanized visitation to sensitive areas during critical seasons as needed to provide for the proper

management of the Desert Bighorn Sheep herd of the management area.

(d) MANAGEMENT PLAN-

(1) **IN GENERAL-** The Secretary shall include a management plan for the management area in the management plan for the conservation

area under section 203.

(2) **CONTENTS-** The management plan for the management area shall establish goals and management steps to be taken within the

management area to achieve the purposes of the management area under subsection (a)(2).

(3) **PARTICIPATION-** The Secretary shall cooperate with the Utah Division of Wildlife Resources and the Advisory Council in developing the

management plan for the management area.

SEC. 232. SEMI-PRIMITIVE NONMOTORIZED USE AREAS.

(a) **DESIGNATION AND PURPOSES-** The Secretary shall designate areas in the conservation area as semi-primitive nonmotorized use areas. The

purposes of the semi-primitive areas are the following:

(1) To provide opportunities for isolation from the sights and sounds of man.

(2) To provide opportunities to have a high degree of interaction with the natural environment.

(3) To provide opportunities for recreational users to practice outdoor skills in settings that present moderate challenge and risk.

(b) AREA INCLUDED- The semi-primitive areas shall consist generally of approximately 120,695 acres of federally owned lands and interests

therein located in the conservation area that are managed by the Bureau of Land Management, as generally depicted on the map entitled 'San

Rafael Swell National Heritage/Conservation Area Proposed', dated June 12, 1998.

(c) MANAGEMENT AND USE- Except as otherwise provided in this section, semi-primitive areas shall be subject to all requirements and

restrictions that apply to the conservation area.

(d) MANAGEMENT PLAN-

(1) IN GENERAL- The Secretary shall include a management plan for the semi-primitive areas in the management plan for the conservation

area under section 203.

(2) CONTENTS- The management plans for the semi-primitive areas shall establish goals and management steps to be taken within the

semi-primitive areas to achieve the purposes under subsection (a).

(e) DEVELOPMENT OF HERITAGE SITES- This section shall not be construed to preclude the utilization, enhancement, and maintenance of

national heritage area sites in any semi-primitive area, if such activities do not conflict with the purposes of the semi-primitive areas under

subsection (a).

SEC. 233. SCENIC VISUAL AREA OF CRITICAL ENVIRONMENTAL CONCERN.

(a) DESIGNATION AND PURPOSE- The Secretary shall designate areas in the conservation area as a scenic visual area of critical environmental

concern (in this section referred to as the `scenic visual ACEC'). The purpose of the scenic visual ACEC is to preserve the scenic value of the

Interstate Route 70 corridor within the conservation area.

(b) AREA INCLUDED- The scenic visual ACEC shall consist generally of approximately 27,670 acres of lands and interests therein located in the

conservation area bordering Interstate Route 70 that are managed by the Bureau of Land Management, as generally depicted on the map entitled

`San Rafael Swell National Heritage/Conservation Area Proposed', dated June 12, 1998.

(c) MANAGEMENT AND USE- Except as otherwise provided in this section, the scenic visual ACEC shall be subject to all requirements and

restrictions that apply to the conservation area, and shall be managed to protect scenic values in accordance with the Bureau of Land Management

document entitled `San Rafael Resource Management Plan, Utah, Moab District, San Rafael Resource Area, 1991'.

TITLE III--GENERAL MANAGEMENT PROVISIONS

SEC. 301. LIVESTOCK GRAZING.

(a) AREAS OTHER THAN WILDERNESS-

(1) IN GENERAL- Except as provided in subsection (b), the Secretary shall permit domestic livestock grazing in areas of the conservation

area where grazing was established before the enactment of this Act. Grazing in such areas may not be reduced, increased, or withdrawn,

except based solely on scientific analyses of range conditions.

(2) COMPLIANCE WITH APPLICABLE REQUIREMENTS- Except as provided in subsection (b), any livestock grazing on public lands

within the conservation area and activities the Secretary determines necessary to carry out proper and practical grazing management

programs on such public lands (such as animal damage control activities), shall be managed in accordance with the Act of June 28, 1934 (43

U.S.C. 315 et seq.; commonly referred to as the 'Taylor Grazing Act'), section 402 of the Federal Land Policy and Management Act of 1976

(43 U.S.C. 1752), other laws applicable to such use and programs on the public lands, and the management plan for the conservation area.

SEC. 303. LAND EXCHANGES RELATING TO SCHOOL AND INSTITUTIONAL TRUST LANDS.

(a) EXCHANGE AUTHORIZED-

(1) IDENTIFICATION OF LANDS AND INTERESTS BY STATE- Not later than 1 year after the date of enactment of this Act, the Governor

of the State of Utah may identify, describe, and notify the Secretary of any school and institutional trust lands the value or economic

potential of which may be diminished by establishment of the conservation area under this Act, and that the State would like to exchange for

other Federal lands or interests in land within the State of Utah.

(2) OFFER BY SECRETARY- Not later than 1 year after the date of receipt of notification under subsection (a), and after seeking the advice

of the Governor of the State of Utah on potential lands for exchange, the Secretary shall transmit to the Governor a list of Federal lands or

interests in lands within the State of Utah that the Secretary believes are approximately equivalent in

value to the lands described in

subsection (a) of this section, and shall offer such lands for exchange to the State for the lands described in subsection (a).

(b) ENSURING EQUIVALENT VALUE-

(1) IN GENERAL- In preparing the list under subsection (a)(2), the Secretary shall take all steps as are necessary and reasonable to ensure

that the State of Utah agrees that the lands offered by the Secretary are approximately equivalent in value to the lands identified and

described by the State under subsection (a)(1).

(2) ACCOUNTING FOR REVENUE SHARING- If the State of Utah shares revenue from the properties to be acquired by the State under

this section, the value of such properties shall be the value otherwise established under this section, reduced by a percentage that represents

the Federal revenue sharing obligation. The amount of such reduction shall not be considered a property right of the State of Utah.

(c) PUBLIC INTEREST- The exchange of lands included in the list prepared under subsection (a)(2) shall be construed as satisfying the provisions

of section 206(a) of the Federal Land Policy and Management Act of 1976 requiring that exchanges of lands be in the public interest.

(d) DEFINITIONS- As used in this section:

(1) SCHOOL AND INSTITUTIONAL TRUST LANDS- The term `school and institutional trust lands' means those properties granted by the

United States in the Utah Enabling Act to the State of Utah in trust, and other lands that under State law must be managed for the benefit of

the public school system or the institutions of the State that are designated by the Utah Enabling Act, that are located in the conservation

area.

(2) UTAH ENABLING ACT- The term `Utah Enabling Act' means the Act entitled `An Act to enable the people of Utah to form a

constitution and State government, and to be admitted into the Union on an equal footing with the original States', approved July 16, 1894

(chapter 138; 28 Stat. 107).

SEC. 304. WATER RIGHTS.

(a) FINDINGS- The Congress finds the following:

(1) The San Rafael Swell region of Utah is a high desert climate with little annual precipitation and scarce water resources.

(2) In order to preserve the limited amount of water available to wildlife, the State of Utah has granted to the Division of Wildlife Resources

an in-stream flow right in the San Rafael River.

(3) This preserved right will guarantee that wetland and riparian habitats within the San Rafael region will be protected for designations

such as wilderness, semi-primitive areas, bighorn sheep, and other Federal land needs within the San Rafael Swell region.

(b) NO FEDERAL RESERVATION- Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express

or implied Federal reservation of water or water rights for any purpose arising from the designation of areas as part of the conservation area or as

a wilderness or semi-primitive area under this Act.

SEC. 302. CULTURAL AND PALEONTOLOGICAL RESOURCES.

The Secretary shall allow for the discovery of, shall protect, and may interpret, cultural or paleontological resources located within areas

designated as part of the conservation area, to the extent consistent with the other provisions of this Act governing management of those areas.

SEC. 305. MISCELLANEOUS.

(a) STATE FISH AND WILDLIFE MANAGEMENT- In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1131(d)(7)), nothing in

this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Utah with respect to fish and wildlife management

activities, including water development, predator control, transplanting animals, stocking fish, hunting, fishing and trapping.

(b) PROHIBITION OF BUFFER ZONES- The Congress does not intend that the designation of an area by this Act as part of the conservation area

or a wilderness or semi-primitive area lead to the creation of protective perimeters or buffer zones around the area. It is the intention of the

Congress that any protective perimeter or buffer zone be located wholly within such an area. The fact that nonconforming activities or uses can be

seen or heard from land within such an area shall not, of itself, preclude such activities or uses up to the boundary of the area. Nonconforming

activities that occur outside of the boundaries of such an area designated by this Act shall not be taken into account in assessing unnecessary and

undue degradation of such an area.

(c) ROADS AND RIGHTS-OF-WAY AS BOUNDARIES- Unless depicted otherwise on a map referred to in this Act, where roads form the

boundaries of an area designated as part of the conservation area or a wilderness or semi-primitive area under this Act, the boundary of the area

shall be set back from the center line of the road as follows:

(1) A setback that corresponds with the boundary of the right-of-way for Interstate 70.

(2) 150 feet for high standard roads.

(3) 100 feet for roads classified as County Class B roads.

(4) 50 feet for roads equivalent to County Class D roads.

(d) ACCESS-

(1) REASONABLE ACCESS ALLOWED- Subject to valid existing rights, reasonable access shall be allowed to existing improvements,

structures, and facilities, including those related to water and grazing resources, which are within the conservation area or a wilderness or

semi-primitive area designated under this Act, whether located on Federal or non-Federal lands, in order that they may be operated,

maintained, repaired, modified, or replaced as necessary.

(2) REASONABLE ACCESS DEFINED- For the purposes of this subsection, the term `reasonable access' means right of entry and includes

access by motorized transport when necessarily, customarily, or historically employed on routes in existence as of the date of the enactment

of this Act.

(e) LAND ACQUISITION BY EXCHANGE OR PURCHASE- The Secretary shall offer to acquire from non-governmental entities lands and

interests in lands located within or adjacent to the conservation area or a wilderness or semi-primitive area designated under this Act. Lands may

be acquired under this subsection only by exchange or purchase from willing sellers.

(f) RIGHTS-OF-WAY-

(1) RIGHT-OF-WAY CLAIMS NOT AFFECTED- Nothing in this Act, including any reference to or depiction on the map entitled `San Rafael

Swell National Heritage/Conservation Area Proposed', dated June 12, 1998, affects any right-of-way claim that arose under section 2477 of

the Revised Statutes (43 U.S.C. 932).

(2) DEPICTIONS NOT DETERMINATIVE- Any depiction or lack of depiction of a highway, road, right-of-way, or trail on the map entitled

`San Rafael Swell National Heritage/Conservation Area Proposed', dated June 12, 1998, shall not be considered in any determination under

section 2477 of the Revised Statutes (43 U.S.C. 932) of whether or not such highway, road, right-of-way, or trail exists.

Appendix I

The San Rafael Swell , Our Treasure Our Trust

The San Rafael Swell -- Our Treasure, Our Trust

A Comprehensive Management Proposal for the San Rafael Swell

from the Emery County Public Lands Council

INTRODUCTION

It goes without saying that the San Rafael Swell is one of the jewels of God's creations. A place of great natural beauty. It is also a place of increasing controversy, where various factions vie to dictate the terms of its future management.

Nowhere have these issues been debated more intensely than among the people of Emery County -- for the San Rafael Swell is totally contained within the borders of the county. The people of Emery County are vitally interested in the future management of the Swell because our lives are most directly affected by whatever decisions are made. But our interest in the future of the San Rafael Swell goes much deeper than this.

To understand our interest in the future of the San Rafael Swell, one must also understand our love for this land and our strong connection to it. We defy anyone who claims to have more passion for this land than we do. Like everyone else, we marvel at its scenic beauty. But to us this land is more than beautiful scenery. This land has shaped our culture, our communities, our thinking, and our hearts. It is part of our lives.

We have a love not only for the land, but for the heritage and legacy it has given us. This land tells the stories of our past -- the tales of who we are and how we came to be.

In our eyes, the San Rafael Swell is a treasure, a rare and priceless gem -- like a magnificent diamond in the rough -- and therefore it should be managed as such. This treasure is our inheritance, to be placed in a trust, a legacy to be passed on to our children and grandchildren.

Like an exquisite diamond, there is no benefit to be gained from burying it, or from locking it forever away where it can never be enjoyed. Rather than locking it away, a better course

would be to enhance its value by cutting, polishing, and mounting this gem, and putting it on display for all to enjoy.

We also realize that in order to maintain its value, this gem must remain intact. If we greedily chip off a piece here or there to be sold for quick return, we will have compromised the integrity of the whole, and its value will decline dramatically. We won't let this happen, for that would be the equivalent of stealing from ourselves and from our posterity.

We must exercise our responsibility as trustees to wisely care for and manage this treasure, making sure it is safe and secure. We understand that with proper care, it will grow in value over time -- its rarity becoming more and more priceless. This is what we will pass on to our posterity -- a treasure they will cherish even more than we do.

A MANAGEMENT PROPOSAL OF NATIONAL SIGNIFICANCE

We in Emery County recognize that if we don't step forward and assume the responsibilities of managing our public lands trust, we will lose the opportunity to do so. There are many who see the value of our trust and who are anxious to step in and take it over. Our desire is to have strong local involvement in shaping our future. For this reason we have put a great deal of time, thought, and effort into devising a proposal that will not only provide protection for the natural beauties of the Swell, but which will also provide the best fit and maximum benefit for our local citizens.

We desire to strike a reasonable balance between protection and use. We seek to maintain traditional uses and access as much as possible, while also addressing the conservation and preservation requirements that are so important for the future of these lands.

We also recognize that tourist visits are growing significantly every year, and will likely continue to do so. We must act now to manage the impacts of tourism, and to build a tourism industry within the county that will provide the greatest possible economic benefit to our local citizens. Even more importantly, we need to develop a tourism industry which will be compatible with our communities and our local culture.

With these concepts as building principles, we offer a proposal which we feel has national

significance. It is a proposal that offers legislative protection for many times more acres than any of the current wilderness proposals. It is a proposal that will require Congressional designation. In size and scope, and in the amount of attention it will attract, it is easily the equivalent of creating a new national park. At the same time, it is very much different from a national park. It may, in fact become a model for the national parks of the future.

A national park is traditionally a single purpose, single use designation. It is one dimensional. Our proposal is multi-dimensional. It goes beyond the primary intent of protecting natural landscapes, and includes many other aspects, such as local history, culture and economics, as well as habitat, wildlife, and educational opportunities for visitors.

We propose the creation of the San Rafael Swell National Heritage/Conservation Area.

This proposal contains two major components -- each of which would require Congressional designation:

1. A National Conservation Area -- which would include within it various wilderness designations, as well as special wildlife management areas, and;

2. A National Heritage Area.

In order to preserve the things that make the San Rafael Swell truly unique, a holistic management approach must be applied, one which considers all of the multifaceted dimensions of the Swell's landscape and culture. . .

A Conservation Area -- to properly manage lands, habitat, wildlife, and people, and. . .

A Heritage Area -- to preserve the remarkable history, folklore, and heritage of the area, as well as to create a tourist attraction of national significance that will enhance the local culture rather than displace it.

The combination of these two designations would create what is essentially a National Western Heritage Park, but without the narrow and limited management options of national park designation.

Let's examine each of these two designations separately:

A NATIONAL CONSERVATION AREA

As we exercise our responsibilities to manage our trust, we recognize that principles of conservation must be paramount -- both in designation and in personal attitudes toward these lands.

For this reason we desire to establish a Conservation Area -- to conserve, to protect, to educate, to teach respect and stewardship -- but also to allow us to use, tend, manage, and benefit.

The purpose of a National Conservation Area -- or NCA -- is to protect resources. Management of an NCA is based on the principles of multiple use. The legislation which creates the NCA identifies the uses that will be allowed within the Conservation Area, as well as those that will be prohibited. The idea is to allow those uses which are compatible with the stated purposes of the NCA.

Typically, allowed uses in an NCA include livestock grazing, hunting, trapping, and various recreational activities. Excluded uses are usually such things as commercial mining and timbering.

The management of most existing National Conservation Areas is also heavily influenced by an Advisory Board that includes local citizens. State agencies such as the Division of Wildlife Resources will also have a seat at the table. Local involvement of this type is very consistent with the role currently played by the Emery County Public Lands Council. A local Advisory Board would be a natural evolution for the Memorandums of Understanding and related processes that are already in place in Emery County, and these things could even be strengthened through the enabling legislation.

As stated earlier, the idea behind an NCA is to allow those uses which are compatible with the stated purposes of the NCA. When the "purposes" of the NCA are coupled with the purposes and objectives of a National Heritage Area, it adds a whole new dimension to the management strategies and objectives that could be applied. These combined "purposes" would necessitate a holistic management approach that would not only address the management of the lands, but would also give significant weight to various aspects of local culture, traditional uses, and the development and management of a tourism industry.

It is easy to imagine that some of the traditional activities which are an important part of the local heritage -- such as ranching -- could become ingrained as an integral part of the management fabric. At the same time, a new economic dimension could be added to these activities as we factor in their appeal to the type of tourist industry we would seek to build. Dude ranches and other ranch recreation activities would be a natural fit, and would become easily marketable within the attraction of a western heritage park.

As much as anything, the value of a National Conservation Area is the flexibility it gives in managing a broad array of lands and uses. It can be used to allow for and manage recreation uses on the one hand, while providing protection for critical lands on the other hand -- protections that could even exceed those provided by wilderness designation.

We propose a National Conservation Area that encompasses the conservation and management needs of all of the lands of the San Rafael Swell. However, we are not blind to the political realities of our time, and therefore recommend that most of the acreage recommended by the BLM in their Preferred Alternative be included as Wilderness Areas within the National Conservation Area. We are also proposing that special consideration be given to certain places where wilderness designation falls short of meeting the management realities that exist on the land itself -- and in fact, where wilderness designation would be detrimental to prudent management requirements.

We refer in particular to the management needs of the desert bighorn sheep herds that are thriving in various corners of the Swell.

A DESERT BIGHORN SHEEP NATURAL PRESERVE

As part of the San Rafael Swell Region Futures Project, the Department of Environmental

Planning at Utah State University identified Desert Bighorn Sheep as an "umbrella species." They report that the Desert Bighorn Sheep are an indicator of the health of many other species. In other words, if the bighorn sheep and its habitat are thriving, it is safe to assume that the habitat is also sustaining a large number of other species. The bighorn will act as an umbrella under which a number of species are protected through conservation of its habitat. [Note: The Swell is home to 241 species of birds, 91 mammals, 27 reptiles, and 10 amphibians.]

The Division of Wildlife Resources has indicated that the greatest threat to the bighorn sheep population are the bighorn sheep themselves. Bighorn herds cannot be allowed to reach high densities, otherwise they quickly exceed the carrying capacity of the habitat. When this happens, the herds become weak and very susceptible to widespread disease, the results of which can be catastrophic. It is also safe to assume that under such a scenario, many other species would be endangered as well.

This presents a significant problem for the San Rafael Swell. The bighorn populations on the Swell reside almost exclusively within Wilderness Study Areas. If these areas receive Wilderness Designation, it would be virtually impossible for DWR to manage these herds by using helicopters for monitoring, maintaining water supplies, and transplanting purposes.

Of particular concern is the Sid's Mountain Wilderness Area. Rather than force a management option on this area that simply doesn't fit -- namely wilderness -- we propose an alternative that would better meet the needs of the lands as well as the wildlife, and which would add a significant component to the attraction we wish to create.

We propose the creation of a Desert Bighorn Sheep Natural Area. This preserve would be part of the National Conservation Area, and its parameters would be defined by the same Congressional legislation that creates the NCA -- thus the protections would have the weight of federal law behind them. This preserve would have all the restrictions of a wilderness area as far as general access and resource protection is concerned, but it would allow special considerations for the management of the bighorn sheep, including the occasional use of mechanized equipment when necessary for prudent management of the herds.

We envision this preserve to be a model blending of protection and common sense. We expect the bighorn sheep to become the symbol of the ideals of conservation and wise stewardship that underlie the entire concept of our National Conservation Area. It will be a living laboratory, demonstrating the best applications of scientific management principles with the best applications of preservation ideal. It will also provide a unique forum for public education, and could well become a major draw for tourists as well.

A NATIONAL HERITAGE AREA

Now let's consider the second major component of this proposal -- the creation of a National Heritage Area.

If there is anything that sets the San Rafael Swell uniquely apart from the other slick rock areas of the West, it would have to be the footprints of history that have left their mark upon its landscape. Nearly all of the forces and movements that shaped the destiny and romance of the old West have touched the San Rafael Swell in one way or another.

Over the years, many colorful characters have crossed the San Rafael Swell, playing out their roles against a spectacular backdrop provided by Mother Nature. Indians, explorers, mountain men, outlaws, cowboys, prospectors and pioneers have all been part of the scene. Famous names like Kit Carson, Jedidiah Smith, Chief Walker, John C. Fremont, Butch Casidy, and John Wesley Powell have all been characters in the plot.

In other places of pristine wonder, man's impacts have been decried as a violation, but in the case of the Swell, man's interactions have somehow enhanced its charisma, bestowing an added dimension to its alluring personality. The charm of the Swell lies in knowing its intriguing history -- in hearing its stories.

As a case in point, consider the Lower Black Box of the San Rafael River. In spite of its scenic attributes, it is a place that normally would have very few visitors because of its extreme remoteness. But, in fact, it has a very high drawing power because it is here that a colorful local cowboy by the name of Sid Swasey is said to have jumped his horse across this gorge. This human and heritage element adds a whole new dimension to the landscape, giving it a magnetism it wouldn't otherwise have. This is the distinguishing appeal of a heritage area -- and this type of scenario is repeated over and over again in the Swell.

When people visit the San Rafael Swell, they are drawn instinctively to the historic features of the area -- to such things as rock art, the pick and shovel mine shafts at Copper Globe, the intrigue of Swasey's Cabin, or the fascination of the M.K. Tunnel blasting test site.

The natural beauty of the Swell speaks for itself. It's up to us to speak for its heritage and

history. This heritage is something we are very proud of in Emery County. It's what gives us our identity, and what binds us together as a community and culture. It's a gem just as valuable, and just as deserving of preservation, as the landscape itself.

It is this heritage that will become the attraction for tourists to the San Rafael Swell -- setting it distinctly apart from Utah's existing national parks and monuments. The key to tourism is uniqueness. There would be nothing unique in simply creating another park to preserve more "rocks." What we propose to preserve and promote is a captivating slice of the intrigue and romance of the Old West.

For this reason we propose that Emery and Carbon Counties receive National Heritage Area designation.

WHAT IS A HERITAGE AREA?

Heritage Areas, corridors, and tour routes are a relatively new Congressional designation intended to promote conservation, community, and economic development. Heritage areas become part of a National Network of heritage tour routes. The primary mission of the National Network is to promote the proper balance of resource preservation and conservation efforts with transportation, tourism, and community development that results in sustainability. It is an initiative to advance both conservation and economic benefits for participating communities and for the nation as a whole.

A Heritage Area often involves more than one jurisdiction, and includes communities and sites throughout a region. It is guided by regional management.

Heritage areas celebrate the special character and culture of places so that those within the region feel proud of their heritage. In a heritage area, there is usually:

- a strong sense of place and identity;
- a working landscape, home to many active uses;
- many property owners, both public and private;
- interpretive programs for residents and visitors;
- a community or region with a strong sense of pride, vision, and goals.

There are currently more than 100 heritage areas around the country -- all east of the Mississippi. To date, Congress has been very generous in appropriating funds for the development of heritage areas as well.

Examples of existing National Heritage Areas include:

The National Coal Heritage Area: This area of southern West Virginia is an 11-county region of the state which contributed to the industrialization of the United States, the organization of trade unions, and tells the story of the unique culture of the Appalachian Region.

Tennessee Civil War Heritage Area: This 56-county region encompasses several key Civil War battles and will preserve and interpret these sites for their contribution to the heritage of the United States.

A heritage area seems to be a perfect match for the goals and objectives of Emery County. The Carbon-Emery area is ideally situated to capitalize on such a designation -- not only because of its rich heritage, but also because of the infrastructure that is already in place.

Where else in the rural West can you find existing structures within a short distance of each other that are of the caliber of the John Wesley Powell Museum, the Museum of the San Rafael, and the C.E.U. Prehistoric Museum, the Helper Mining and Railroad Museum, and the Cleveland-Lloyd dinosaur quarry? A Heritage Area is also a perfect fit for existing local events such as International Days and the Castle Valley Pageant.

Linking these facilities and events together within the context of a National Heritage Area would greatly increase their exposure. They would become the hubs and staging areas for a heritage tourism industry that could bring many new dollars into the local economy.

Heritage tourism is one of the fastest growing segments of the national and global tourism industry. One of the most important aspects of heritage tourism is its potential for spawning numerous local businesses. It provides the building blocks for local businesses that would deal in such things as handicrafts, art, theater and music, local foods, and guided tours.

Heritage tourism provides an educational and participatory tourist experience that will create new niches for local business, and thus new jobs. It also respects and preserves the character

of the community. Heritage tourism, if properly implemented, enhances a community first for the residents and then for the tourists.

SUMMARY

This proposal for a San Rafael Swell National Heritage/Conservation Area provides a unique opportunity to resolve public lands management disputes in a reasonable and far-reaching way. In scope and significance it is comparable to the designation of the Grand Staircase -- Escalante National Monument, but unlike the Monument, it is a locally driven initiative. As such, it has the potential to become a national model for shaping conservation initiatives that are compatible with local needs and objectives.

This proposal is environmentally sound. It proposes legislative protection to more acres than any of the current wilderness proposals -- over one million acres within Emery County. It also offers a holistic approach to public lands management that goes far beyond the traditional "one-size-fits-all" approaches of the past. It looks at the needs of an entire eco-system rather than disconnected slivers of remote wilderness lands.

This proposal also addresses the cultural sensitivities and the economic vitality of the surrounding communities. By adding the National Heritage Area dimension to the National Conservation Area, it not only preserves lands and protects wildlife, it also preserves and showcases the history and lore of the American West. In so doing, it will become a unique attraction, distinct and apart from existing parks and monuments.

It is a proposal in which all stakeholders can be winners -- meeting the needs of conservationists, wildlife advocates, recreationists, sportsmen, ranchers, and tourists, as well as the traditional uses of the local citizenry.

As this proposal becomes a reality, it will truly be the equivalent of taking a diamond in the rough, and cutting, polishing, mounting, and putting it on display for the whole world to admire and enjoy. It would truly be a crowning achievement worthy of our best efforts.

Heritage Area Themes

The following is a brief outline of some of the themes and attractions that could be included in a San Rafael Swell National Heritage Area:

Our Natural Heritage -- Stewards of the Land

Scenic Wonders (the landscapes and vistas)

Wildlife -- San Rafael Desert Bighorn Sheep Natural Preserve, Antelope, Desert Lake, Hunting Preserves

Geology -- A world-class geology classroom and lab

Dinosaurs -- Cleveland-Lloyd Quarry, Museum of the San Rafael, CEU Prehistoric Museum, Buckhorn Reservoir Bones, Buckhorn Draw Footprint, Longwalk Quarry

Settling an Untamed Land -- Our Western American Heritage

The Ancient Ones -- Rock Art, Archaeology

Trails -- The Spanish Trail, The Outlaw Trail, The Walker Trail, The Railroad

Mountain Men -- Jeddidah Smith, Robiboux

The Explorers -- Kit Carson, John C. Fremont, John Wesley Powell, John Gunnison

The Cowboys -- Swaseys - Sid's Leap, Swasey Cabin, ZCMI Mine, Joe & His Dog, Eagle Canyon, Joe & the Wildcat, etc.

The Outlaws -- Butch Cassidy, Joe Walker, Robbers Roost, Outlaw Hunting.

The Pioneers -- Castle Valley Pageant, Pioneer Museum, Dugouts & Cabins

The Nuclear Age -- Temple Mountain & Uranium Mining, M.K. Tunnels, Madame Curie

Energy to Fuel the Nation -- Coal mining and Power Generation

Cattle Ranching -- Symbol of the American West

Early Ranching -- Over using the resource

Seeking the Balance -- Taylor Grazing Act, modern management principles

The Modern Day Cowboy

Natural Resources, Environment, and Quality of Life -- Striking the Balance.

Mining -- Coal and Uranium

Industry -- Power Generation

Preserving Nature's Wonders while sustaining rural economies

Western Water Conservation

Harnessing Nature -- Nurturing Nature

Water -- the Life Blood of the American West

Western Water Law, Bringing Water to a Thirsty Land -- Canals, Dams, Irrigation History and techniques