

RAC Minutes
June 9, 2006
Blanding Arts Center Auditorium
Blanding, Utah

Members in attendance: Tom Clawson, Richard Sewing, Fee Busby, Riley Cutler, Drew Sitterud, Gordon Topham, Manuel Morgan, Lynn Stevens, Norm Carroll, Mike Jenkins, Ashley Korenblat.

Members not in attendance: Amanda Smith, Robert Uzelac

BLM representatives: Henri Bisson, Sherry Foot, Maggie Wyatt, Suzanne Garcia, Garth Portillo, Shelley Smith, Cornell Christensen, Sandy Meyers, Russ von Koch, Kelleigh Cole, Adrienne Babbitt, Kelly Rigby.

Members of the public: Laura Kamala, Grand Canyon Trust, Castle Valley, UT; Ray Bloxham, SUWA; Wilson Martin, SHPO, Salt Lake City

June 9, 2006

1:00 – 1:15 Welcome/Housekeeping Sherry

Welcomed members and public. Introduced Henri Bisson, Acting State Director. Henri stated that the State Director position should be filled within the next 4-5 months.

1:15 – 1:45 SITLA Exchange Proposal Henri Bisson, Actg.
Status update – Washington County Draft Land Bill State Director

Overview of Chronology of RS 2477 Policy; WO IM Consultation on Proposed Improvement to RS 2477 ROW; and WO IM Non-Binding Determinations of RS 2477 ROW Claim. (Handouts provided upon request).

Utah Recreational Land Exchange Act:

Some counties have approached BLM to begin to identify RS2477 roads. We have spoken with Utah delegation to acquire money in the budget to take on work. We'll respond to requests to counties. Road maintenance (considered as Categorical Exclusion). Need to map, chart, and identify routes, roads, etc. BLM roads--not public roads--are what we need to be concerned with. Need to eliminate as much uncertainty as possible.

May 24 Senate subcommittee held a hearing on the Utah Recreational Land Exchange Act which is the latest in a series of large-scale land exchanges between the BLM and SITLA. At the hearing, John Andrews, Associate Director of SITLA, spoke in strong support of the legislation and urged quick action.

The bill was originally introduced in October 2004. The first hearing was held in the House subcommittee on Forests and Forest Health in Sept. 2005. Several issues involving the lands proposed for exchange, valuation methods and other issues were identified. Over the past nine months, a team of negotiators from SITLA, environmental organizations, DOI, and congressional staffs have met on a regular basis to hammer out a new and improved version of the bill. This work culminated with a new bill being introduced last May by Senator Bennett--S.2788.

Its purpose: 1) to exchange "Federal land that has limited recreational and conservation resources" for 2) "trust land with important recreational, scenic, and conservation resources." The other underlying purpose is to exchange Federal land to the state that can be developed and

provide revenue to SITLA's permanent trust fund that is used to supplement funding for Utah's public schools.

S.2788 directs the exchange of approximately 40,000 acres of lands managed by SITLA for approximately 40,000 acres of BLM-managed Federal lands. Many of the lands that the State is proposing to transfer to the BLM are lands that the BLM has a high degree of interest in acquiring because they would consolidate Federal ownership within wilderness study areas, ACECs, or other sensitive lands. The bill also identifies a number of parcels for transfer to SITLA from the BLM.

Valuation of lands to be exchanged - December 2004, former Secy of Interior, Gayle Norton, issued policy guidance to all of the bureaus on legislative exchanges and land valuation issues. It was developed to ensure that land transactions are conducted with integrity and earn public confidence. Policy states that all real property appraisals performed by the Dept. shall conform to nationally recognized appraisal standards. The policy specifically prohibits the use by the Dept. of alternative methods of valuation in appraisals.

There are circumstances in which Congress or the Administration may decide that alternative methods of valuation are appropriate for achieving worthwhile public policy objectives. It is our duty to be clear about the details of proposed exchanges and to be clear that an alternative method of valuation is being used.

S.2788 is legislative proposal from Congress. It directs that all appraisals shall be in accordance with the requirements of FLPMA and with the BLM's regulations governing appraisals. However, the bill further directs the use of two alternative methods of valuation for two different purposes. In Sec. 5(b)(4), requires that for Federal lands that are not under mineral lease at the time of appraisal, such lands shall be valued without regard to the presence of any minerals that are subject to leasing under the Mineral Act of 1920. In exchange for this reduction in value, the State or its successors in interest to the property would have to agree to pay the US 50% of whatever bonus or rentals are paid to the State for any mineral development in the future; and an amount equal to the Federal royalties that would have otherwise been collected by any future mineral development conducted pursuant to the Mineral Leasing Act, minus amounts that would have otherwise been due to the State under Section 35 of that Act. The revenue streams that would normally come to the Federal government from bonus bids and future development royalties would remain the same.

In the May hearing, Deputy Asst Secy Calvert indicated support for this approach for the lands involving more speculative oil shale potential. On other federal lands, where more conventional oil and gas is found--Calvert suggested standard appraisal practices may be more appropriate.

Next steps - follow up discussions between stakeholders, agencies and congressional staffs will begin soon. Mark up of the bill is expected sometime this summer.

Proposed Washington County Growth and Conservation Act

This is a comprehensive land use bill modeled after similar public laws recently enacted in Nevada.

Land Disposal - Disposal through public land auction or exchange with non-federal lands

- Tier I: ~ 6,000 previously identified in Dixie RMP
- Tier II: ~ 12,000 to be identified by "quality growth planning process."
- Tier III: Remaining lands up to "hard cap" of 25,000 (total)

Distribution of Proceeds - 15% Non-federal public purposes

- 5% public education
- 2% County administration costs; fire protection, flood control, etc
- 8% to Washington Co. Conservancy District for water transmission, treatment, and

conservation.

85% Federal purposes

- purchase of private in-holdings in Red Cliffs HCP (tortoise reserve)
- process ROW projects
- acquisition of critical habitat for bear claw poppy (T&E)
- High Desert OHV Trail
- capital improvements, restoration, and other good works in Zion, Dixie NF, Red Cliffs Reserve (NCA proposed), and other areas

Conservation Measures

- 2200 acres of new wilderness designation (~ half in Zion NP, 92,000 in 6 BLM areas, and 2,000 addition to existing FS wilderness)
- 170 miles of WSR--first ever designation in Utah
- existing HCP designated as BLM Red Cliffs NCA
- High Desert OHV Trail system
- various conservation easements in vicinity of Zion NP

Planned Growth

- land disposal supports community expansion
- water delivery and other infrastructure to provide water to region

1:45 – 2:30 Factory Butte Subgroup Report Gordon
Review data

Final motion at last meeting. 3 proposals to go to Cornell (Richfield FO Manager) and BLM. Collecting additional inventory on T&E species. There are cactus within area. During Easter, documented damage to some of the plants. An emergency restriction order may need to be put in place.

RAC didn't vote on any one proposal. RAC may submit additional comments. Letter was prepared by Mike Jenkins and sent to the RAC as a framework. If we can't reach agreement, could we agree on principals and give advice to BLM in developing OHV program around Factory Butte. Concentrate on geographic areas around Factory Butte.

(Mike's letter as a handout, upon request) Subgroup didn't agree on some items in letter. Ashley - Motion to pass information in letter. Revised motion - Decision was made to read letter and edit. E-mail additional bullet points to Mike (don't take off any of the current bullet points). Can vote on each bullet as a whole next meeting. Lynn seconded. 8 for 3 opposed.

Comment - Viewshed is as equally important as open areas. (Riley Cutler)

The draft RMP will be coming out soon but we will review the letter from the RAC. (Cornell)

RAC to offer suggestions on RMP. Draft RMP starts the Sec. 7 consultation process.

2:30 – 2:45 Break

2:45 – 3:45 Recreation RACs Suzanne Garcia/Vicki Lawson-FS

Briefing/overview Federal Land Recreation Enhancement Act and the interagency agreement for use of Recreation RACs

Power point presentation (copies available upon request). RAC asking for agencies (FS/BLM) to provide fee schedules, locations, and amenities as part of orientation to Rec RAC workshop.

Motion for RAC to become Recreation RAC for the present. Riley--Fee seconded. Vote was made to have RAC become Recreation RAC.

Next RAC meeting – BLM/FS fee orientation.

3:45 – 4:30 Antiquities Act Garth Portillo
Historical perspective and overview of the Antiquities Act

June 8, 1906 actual signing date.

- Against law for people to collect artifacts
- President authority to establish national monuments
- Provisions intended to protect archaeological sites (criminal enforcement)

Centennial celebration will be nationwide

Educate public about maintaining cultural resources

Building on site steward programs and school education programs

4:30 – 4:45 San Rafael Swell RAC Subgroup Mike/Gordon
Direction from BLM

Group was organized by Sally Wisely in anticipation of the San Rafael Swell becoming a national monument – didn't happen. FRN out stating that BLM is accepting comment on analysis. 3 nominations of ACECs. Correcting record before final RMP.

SR Swell Subgroup has dwindled. FOM (Pat Gubbins) has been assigned to another job. Gary Reimer acting FOM (Price). Group is questioning whether they should continue. Current RAC members serving on subgroup-- Drew, Mike. Last item discussed at their last meeting was the Old Spanish Trail. Price's RMP – November/December 2006. Acting State Director suggested that the subgroup should remain.

4:45 – 5:15 Public Comment Gordon

Ray Bloxham, SUWA

“Mike Jenkins Letter” – deal with it today. Very well done. He's been involved too long – vote on it today.”

Wilson Martin, SHPO, Salt Lake City, State Historic Preservation Officer

Invites everyone to the celebration tomorrow at the Edge of Cedars Museum, June 10.

We're seeing that in the last 10 years, heritage tourism has become #1 reason why people travel according to the TIA. Heritage will become more important in the future. Since San Juan County has been blessed with some of the best heritage resources in the nation, we will need to find ways for the public to enjoy and visit while at the same time ensuring sustainability for future visitors.

5:15 – 5:30 Closeout Gordon
Schedule next meeting date/location

Agenda topics for next meeting:

- Recreation RAC

- Follow up to Factory Butte Letter

- O/G exploration – outfitters and guides may be effected. What are the O/G guidelines/procedures effecting recreation outfitters.

- Spanish Trail – Have the “Group” provide a report to RAC

- Discussion on status of grazing permit renewals. Look into Brad Johnson Bill re: consolidating grazing – Land use and grazing bill (Sherry to contact John Harja).

(HB 145 Enrolled - Rangeland Improvement Act

<http://www.le.state.ut.us/~2006/bills/hbillnr/hb0145.htm>)

- Policy (guidance) for consultation with Native American tribes. What is in place in BLM Utah.

Next meeting: September 6. Salt Lake City

Approved:

/s/ Gordon Topham 6/20/06
RAC Chairperson Date