

## **Amendment to Clarify Uintah County's Ongoing Plan for Managing Certain Non Wilderness Study Area Lands in Uintah County**

### **Subject Lands**

This plan clarification applies to those certain areas of land in Uintah County which the United States Bureau of Land Management (BLM) in its so-called 1999 Wilderness Inventory Report purported to call Wilderness Inventory Areas (WIAs), the individual unites of which BLM purported to label as follows:

- Wild Mountain, located in all or part of:
  - Sections 18, 24 & 36 of T2S R25E,
  - Sections 1 & 12 of T3S R25E
  
- Moonshine Draw, located in all or part of:
  - Sections 7-8, 17-20, 29-32 of T4S R25E
  
- Desolation Canyon, located in all or part of:
  - Sections 29-33 of T4S R25E
  - Sections 1-3, 11-12 of T5S R24E
  - Sections 4-10, 17-20 of T5S R25E
  
- Bull Canyon, located in all or part of:
  - Sections 25-27, 33-36 of T5S R25E
  - Sections 1-4, 9-12 of T5S R25E
  
- White River, located in all or part of:
  - Sections 13, 24, 25 & 36 of T10S R22E
  - Sections 11, 13-36 of T10S R23E
  - Sections 19, 30 of T10S R24E
  - Sections 1-6 of T11S R 23E
  - Section 6 of T11S R24E
  
- Desolation Canyon Unit 1, located in all or part of:
  - Sections 13-14, 21-29, 31-26 of T10S R18E
  - Sections 17-22, 27-34 of T10S R19E
  - Sections 12-13, 23-26, 35-36 of T11S R17E
  - Sections 1-5, 7-36 of T11S R18E
  - Sections 3-10, 15-21, 28-32 of T11S R19E
  - Sections 1-3, 10-15, 21-28, 32-36 of T12S R18E
  - Sections 5-8, 17-19, 30-31 of T12S R19E
  - Sections 1-17, 21-24, 25-27 of T13S R18E

- Cripple Cowboy, located in part or all of:
  - Sections 13, 24-26, 36 of T14S R24E
  - Sections 18-19, 29-32 of T14S R25E
  - Sections 4-10, 14-23, 26-34 of T15S R25E

This plan clarification also applies to all other areas of land located in any township and range within Uintah County, which an organization by the name of the Utah Wilderness Coalition (UWC) has purported to include in its so-called Citizen's Proposal for Wilderness in Utah, according to the maps thereof set forth in the UWC internet web site, address [http://www.protectwildutah.org/proposal /index](http://www.protectwildutah.org/proposal/index), as it exists on April 16, 2007, including the areas labeled as follows in the so-called Greater Dinosaur and Book Cliffs Regions of the said UWC internet web site:

- Wild Mountain, located in part or all of:
  - Township 2S Range 25E
  - Township 3S Range 25E
- Diamond Mountain, located in part or all of:
  - Township 2S Range 24E
  - Township 2S Range 25E
  - Township 3S Range 24E
  - Township 3S Range 25E
- Stone Bridge Draw, located in part or all of:
  - Township 4S Range 23E
  - Township 4S Range 24E
- Split Mountain Benches, located in part or all of:
  - Township 4S Range 23E
- Split Mountain Benches South, located in part or all of:
  - Township 4S Range 23E
- Beach Draw, located in part or all of:
  - Township 4S Range 24E
  - Township 5S Range 24E
- Moonshine Draw, located in part or all of:
  - Township 4S Range 25E
  - Township 5S Range 24E
  - Township 5S Range 25E

- Vivas Cake Hill, located in part or all of:
  - Township 4S Range 25E
- Stuntz Draw, located in part or all of:
  - Township 4S Range 25E
- Bourdette Draw, located in part of all of:
  - Township 5S Range 24E
  - Township 5S Range 25E
  - Township 6S Range 24E
  - Township 6S Range 25E
- Bull Canyon, located in part or all of:
  - Township 6S Range 25E
- White River, located in part or all of:
  - Township 9S Range 24E
  - Township 10S Range 22E
  - Township 10S Range 23E
  - Township 10S Range 24E
  - Township 11S Range 22E
  - Township 11S Range 23E
  - Township 11S Range 24E
- Desolation Canyon (called Desbrough Canyon by (UWC), located in part or all of:
  - Township 10S Range 17E
  - Township 10S Range 18E
  - Township 10S Range 19E
  - Township 11S Range 17E
  - Township 11S Range 18E
  - Township 11S Range 19E
- Lower Bitter Creek, located in part or all of:
  - Township 11S Range 22E
  - Township 11S Range 23E
  - Township 12S Range 23E
  - Township 12S Range 23E
  - Township 13S Range 22E
  - Township 13S Range 23E
- Sunday School Canyon, located in part or all of:

- Township 12S Range 21E
- Township 12S Range 22E
- Township 13S Range 21E
- Township 13S Range 22E
- Township 14S Range 22E
  
- Dragon Canyon, located in part or all of:
  - Township 12S Range 25E
  - Township 13S Range 25E
  - Township 14S Range 25E
  
- Seep Canyon, located in part or all of:
  - Township 13S Range 23E
  - Township 13S Range 24E
  - Township 14S Range 22E
  - Township 14S Range 23E
  - Township 14S Range 24E
  
- Bitter Creek, located in part or all of:
  - Township 13S Range 24E
  - Township 13S Range 25E
  - Township 14S Range 24E
  - Township 14S Range 25E
  - Township 15S Range 25E
  
- Rat Hole, located in part or all of:
  - Township 14S Range 24E
  - Township 14S Range 25E
  - Township 15S Range 25E
  
- Wolf Point, located in part or all of:
  - Township 14S Range 21E
  - Township 15S Range 21E
  
- Cliff Dweller, located in part or all of:
  - Township 15S Range 23E
  - Township S Range 24E
  
- Sweet Water, located in part or all of:
  - Township 15S Range 24E
  - Township 15S Range 25E
  
- Hideout Canyon, located in part or all of:

- Township 15S Range 24E
- Hell=s Hole, located in part or all of:
  - Township 15S Range 25E

For purposes of this plan clarification, all of the above-described WIAs and UWC proposed lands are collectively referred to herein as the Uintah County WIA and UWC Lands, and are illustrated more fully in the map attached hereto.<sup>1</sup> Any reference hereafter to the term Uintah County WIA and UWC Lands shall refer to any and all of the above-described land areas.

**Clarification of Ongoing Policy, Plans and Position**

1 Achieve and Maintain A Continuing Yield of Mineral Resources In The Uintah County WIA and UWC Lands At The Highest Reasonably Sustainable Levels

- X Development of the solid, fluid and gaseous mineral resources in the Uintah County WIA and UWC Lands is an important part of the economy of Uintah County.
- X Uintah County recognizes that it is technically feasible to access mineral and energy resources while preserving nonmineral and nonenergy resources and uses.
- X All solid, fluid and gaseous mineral resources in the Uintah County WIA and UWC Lands that exist in economic quantities and are recoverable with foreseeable technology should be available for development.
- X Physical and administrative access to mineral resources must be maintained, while providing appropriate protection to other resources and uses. These lands should be open to oil and gas leasing with economically and technically viable

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<sup>1</sup> There are three FLPMA Section 603 Wilderness Study Areas (AWSAs@) within the borders of Uintah County. They are: Daniels Canyon WSA, Bull Canyon WSA, and Winter Ridge WSA. The fact that this planning document addresses only areas outside those WSAs does not imply that Uintah County necessarily concedes that those WSA=s are suitable for wilderness designation or de facto wilderness management restrictions. To the contrary, Uintah County has formally set forth a written \_\_\_\_\_, adopted (Date), which calls for wilderness designation on far fewer acres than are contained in those three WSAs. See copy of \_\_\_\_\_ Uintah County, Utah Wilderness position attached hereto. In any event, those three WSA=s are outside the scope of this particular section of Uintah County=s Plan.

stipulations and conditions that will protect the lands against unreasonable and irreparable harm to significant resource values. This should include reasonable and effective mitigation and reclamation measures and bonding for such where necessary.

- X Fluid and gaseous minerals within developed areas should be protected from waste and drainage.
- X Any previous lease restrictions in the Uintah County WIA and UWC Lands that are no longer necessary or effective should be modified, waived or removed.
- X Restrictions against surface occupancy should be modified, waived or if necessary removed where it is shown that directional drilling is not ecologically necessary, where directional drilling is not feasible from an economic or engineering standpoint, or where it is shown that directional drilling will in effect sterilize the mineral and energy resources beneath the area.
- X Applications for permission to drill that meet standard qualifications, including where appropriate reasonable and effective mitigation and reclamation requirements, should be expeditiously processed and granted.
- X Any moratorium or withdrawals that may exist against the issuance of additional mining patents and oil and gas leases in the Uintah County WIA and UWC Lands should be carefully evaluated for removal.

2. Achieve and Maintain Livestock Grazing In The Uintah County WIA and UWC Lands At The Highest Reasonably Sustainable Levels

- X Domestic livestock forage in the Uintah County WIA and UWC Lands as expressed in animal unit months and allocated for permitted active use in the current RMP, should be no less than the maximum number of animal unit months sustainable by range conditions in grazing districts and allotments in the Uintah County WIA and UWC Lands, based on an on-the-ground and scientific analysis.
- X Where once-available grazing forage in the Uintah County WIA and UWC Lands has succeeded to pinion, juniper and other woody vegetation and associated biomass, or where rangeland health in the Uintah County WIA and UWC Lands has suffered for any other reason, a vigorous program of chemical or mechanical treatments such as chaining, logging, seeding, lopping, thinning, burning, range improvements and / or other mechanical treatments should be applied to remove

this woody vegetation and biomass and stimulate the return of the grazing forage to its historic levels for the mutual benefit of livestock, wildlife and other agricultural industries in the Uintah County WIA and UWC Lands.

X Uintah County regards the land which comprises the grazing districts and allotments in the Uintah County WIA and UWC Lands as still more valuable for grazing than for any other use which excludes livestock grazing, such as conversion of AUMs to wildlife, wild horses, watersheds or wilderness values. Accordingly, it is Uintah County's plan that animal unit months in the Uintah County WIA and UWC Lands not be relinquished or retired in favor of conservation, wildlife and other uses.

X Uintah County recognizes that from time to time a bonafide livestock permittee in the Uintah County WIA and UWC Lands, acting in good faith and not to circumvent the intent of the BLM's grazing regulations, may temporarily cease grazing operations without losing his or her permitted AUMs. However, BLM imposed suspensions of use or other reductions in domestic livestock animal unit months in the Uintah County WIA and UWC Lands should be temporary and scientifically based on rangeland conditions.

X The transfer of grazing animal unit months (AUMs) to wildlife, wild horses or watersheds for supposed reasons of rangeland health or any other purpose is opposed by Uintah County as illogical. There is already imputed in each AUM a reasonable amount of forage for the wildlife component.

X Any grazing animal unit months that may have been reduced in the Uintah County WIA and UWC Lands due to rangeland health concerns should be restored to livestock when rangeland conditions improve, and not converted to wildlife use.

3. Manage the Watershed in The Uintah County WIA and UWC Lands To Achieve and Maintain Water Resources At The Highest Reasonably Sustainable Levels

X All water resources that derive in the Uintah County WIA and UWC Lands are the property of the State of Utah. They are owned exclusively by the State in trust for its citizens.

X As a political subdivision of the State, Uintah County has a legitimate interest in seeing that all reasonable steps are taken to preserve, maintain, enhance and where reasonable develop those water resources.

X With increased demands on water resources brought on by population increases in

the Colorado River drainage area, and with recent drier precipitation trends which call into question in the minds of some whether the climate of the Colorado River drainage area is changing, it is important now more than ever that management practices be employed in the Uintah County WIA and UWC Lands to restore, maintain and maximize water resources there.

- X This includes restoration, maintenance and enhancement of the watershed in the Uintah County WIA and UWC Lands.
- X Where water resources in the Uintah County WIA and UWC Lands have diminished because once-existing grasses have succeeded to pinion, juniper and other woody vegetation and associated biomass, a vigorous program of chemical or mechanical treatments should be applied to promptly remove this woody vegetation and biomass, stimulate the return of the grasses to historic levels, and thereby provide a watershed that maximizes water yield and water quality for livestock, wildlife, and human uses.
- X Uintah Countys strategy and plan for protecting the Uintah County WIA and UWC Lands watershed is to deter unauthorized cross-country OHV use in the Uintah County WIA and UWC Lands. The best way to achieve this is to give OHV users a reasonable system of trails in the Uintah County WIA and UWC or lands designated as Open for OHV use on which to legitimately operate their OHVs. Closing the Uintah County WIA and UWC Lands to all OHV use will only spur increased unauthorized cross-country OHV use to the detriment of the Uintah County WIA and UWC Lands watershed.

4. Achieve and Maintain Traditional Access To Outdoor Recreational Opportunities on Public Lands Available in The Uintah County WIA and UWC Lands

- X Traditionally, citizens of Uintah County and visitors have enjoyed many forms of outdoor recreation in the Uintah County WIA and UWC Lands, such as hunting, fishing, hiking, family and group parties, family and group campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering, parking their RV, or just plain touring in their personal vehicles.
- X Accordingly, all trails in the Uintah County WIA and UWC Lands which historically have been open to OHV use should remain open.
- § Traditionally, outdoor recreational opportunities in the Uintah County WIA and

UWC Lands have been open and accessible to working class families, to families with small children, to the physically impaired, the middle aged and elderly, to persons of different cultures for whom a primitive or back country experience may not be the preferred form of recreating. Current use, demographics and area growth supports a need for more dispersed recreation opportunities and not a primitive or back country experience.

X Any segment of society, for that matter, who want to recreate in the Uintah County WIA and UWC Lands are entitled to existing authorized motorized access to traditional recreation uses and additional access where need is demonstrated and it can be accomplished while providing required protection to other resources and uses.

§ Accordingly, all roads and trails in the Uintah County WIA and UWC Lands that are part of Uintah County's duly adopted transportation plan should remain open to motorized travel. None of them should be closed, and Uintah County should have the continued ability to maintain and repair those roads, and where reasonably necessary make improvements thereon. All trails in the Uintah County WIA and UWC Lands that have been open to OHV use should continue to remain open. Traditional levels of wildlife hunting and fishing should continue. All roads administered by the BLM should remain open to public use unless it is determined, through analysis, that, a need to close roads exist and such closures are analyzed through a NEPA process.

5. Maintain and Keep Open All Roads on Public Lands in the Uintah County WIA and UWC Lands That Appear on Uintah County's Most Recent Transportation Map, and Provide For Such Additional Roads and Trails and Rights of Way and Easements As May Be Necessary From Time to Time

X Uintah County's transportation plan includes an official county-wide transportation map, available to the public for viewing and copying, showing all public roads and trails maintained by the County.

X That portion of Uintah County's official transportation map which shows all public roads and trails in the Uintah County WIA and UWC Lands is considered to be part of Uintah County's plan specifically applicable to the Uintah County WIA and UWC Lands. All such public roads and trails are shown in the attached map. All roads administered by the BLM should remain open to public use unless it is determined, through analysis, that, a need to close roads exist and such closures are analyzed through a NEPA process.

- X Uintah County plans to keep all such roads in the Uintah County WIA and UWC Lands open and reasonably maintained and in good repair. Uintah County will consult with the BLM about any required improvements to such roads, reserving the right to request court intervention and relief in the event Uintah County and BLM cannot reach an agreement on such proposed improvements after reasonable efforts at consultation.
  - X Additional roads and trails or transportation corridors may be needed in the Uintah County WIA and UWC Lands from time to time to facilitate reasonable access to a broad range of resources and opportunities throughout the Uintah County WIA and UWC Lands, including livestock operations and improvements, solid, fluid and gaseous mineral operations, energy transportation recreational opportunities and operations, search and rescue needs, other public safety needs, access to public lands for people with disabilities and the elderly, and access to Utah school and institutional trust lands in the Uintah County WIA and UWC Lands to accomplish the purposes of those lands. Additional access should be provided where a need is demonstrated and can be accomplished while providing required protection to other resources and uses.
6. Manage the Uintah County WIA and UWC Lands So As to Protect Prehistoric Rock Art, Three Dimensional Structures and Other Artifacts and Sites Recognized as Culturally Important and Significant By the State Historic Preservation Officer
- X Reasonable mineral development in the Uintah County WIA and UWC Lands can occur while at the same time protecting prehistoric rock art, three dimensional structures and other artifacts and sites recognized as culturally important and significant by the state historic preservation officer. Existing federal and state laws and regulations adequately protect these resources.
  - X Reasonable and effective stipulations and conditions to protect against damage to the above-described cultural resources should accompany decisions to issue mineral leases, permit drilling or permit seismic activities in the Uintah County WIA and UWC Lands. Such drilling and seismic activities should not be disallowed merely because they are in the immediate vicinity of the above-described cultural resources if it is shown that such activities will not damage those resources. The primary method of protecting these important resources should be avoidance.
7. Manage the Uintah County WIA and UWC Lands So As to Not Interfere Directly or Indirectly With The Property Rights of Private Landowners Located in That WIA and UWC Lands.

- X There are parcels of private fee land located in the Uintah County WIA and UWC Lands.
  - X Land management policies and standards on BLM land in the Uintah County WIA and UWC Lands should not interfere with the property rights of private landowners in the region to enjoy and engage in traditional uses and activities on their private property, consistent with controlling County zoning and land use laws.
  - X Nor should those landowners and their guests be denied the right of motorized access to their private property consistent with uses of those private land parcels.
8. Manage the Uintah County WIA and UWC Lands So As to Not Interfere Directly or Indirectly With The Fiduciary Responsibility of the State School and Institutional Trust Lands Administration (SITLA) With Respect to Trust Lands Located Near Those Lands.
- X Scattered throughout the Uintah County WIA and UWC Lands are sections of school and institutional trust land owned by the State of Utah and administered by SITLA in trust for the benefit of public schools and other institutions (school trust lands), as mandated in Utah’s Enabling Act and State Constitution.
  - X As trustee, SITLA has a fiduciary responsibility to manage those school trust lands to generate maximum revenue there from, by making them available for sale and private development, and for other multiple use consumptive activities such as mineral development, grazing, recreation, timber, agriculture and the like, all for the financial benefit of Utah’s public schools and other institutional beneficiaries.
  - X Land management policies and standards on BLM land in the Uintah County WIA and UWC Lands should not interfere with SITLAs ability to carry out its fiduciary responsibilities.
  - X Nor should SITLA be denied the right of motorized access to those school trust sections to enable SITLA to put those sections to use in order to carry out SITLA’s fiduciary responsibilities.
9. Managing Part or All of The Uintah County WIA and UWC Lands For So-Called Wilderness Characteristics Would Violate FLPMA, Contradict The State’s Public Land Policy and Contradict The Foregoing Plans of Uintah County For Managing The Uintah County WIA and UWC Lands

- X As Utah Code ' 63-38d-401(6)(b) indicates, managing the Uintah County WIA and UWC Lands under a wilderness characteristics management standard is not the State of Utah's policy for multiple use-sustained yield management on public lands that are not wilderness or wilderness study areas. Nor is it Uintah County's. A so-called wilderness characteristics management standard for the Uintah County WIA and UWC Lands is de facto wilderness management by another name. It is incompatible with and would therefore frustrate and defeat the foregoing plans of Uintah County for managing the Uintah County WIA and UWC Lands. Uintah County has formally taken a position that only BLM lands in Uintah County should be designated as wilderness.
  
- X A so-called wilderness characteristics management standard for the Uintah County WIA and UWC Lands also violates FLPMA and the 2003 Settlement Agreement between Utah and Department of Interior.
  
- X Managing Post-603 Lands<sup>2</sup> pursuant to the Interim Management Policy of 1979 (IMP) is inconsistent with BLM authority. Agreement p. 6 & 13.a;
  
- X Managing Post-603 Lands to preserve their alleged wilderness character strays from the multiple use mandate in a manner inconsistent with FLPMA ' Section 603 limited delegation of authority. Agreement p. 9 & 17;
  
- X The 1999 Utah Wilderness Reinventory shall not be used to manage public lands as if they are or may become WSAs. Agreement p. 13 & 4;
  
- X DOI/BLM will not establish, manage *or otherwise treat* Post-603 Lands as WSAs or as wilderness pursuant to the Section 202 process absent congressional authorization. Agreement p. 14 & 7;
  
- X DOI/BLM will remove from the proposed revised resource management plans in the Vernal, Price, Richfield, Monticello and Moab District any and all references or plans to classify or manage Post-603 BLM lands *as if* they are or may become WSAs. (Agreement p.14 & 7).

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<sup>2</sup> As that term is defined in the *Utah v. Norton* settlement agreement of April 11, 2003.

10. Imposing Any of The Area of Critical Environmental Concern (ACEC) Designation Alternatives Currently Under Consideration in the Vernal Resource Management Plan Revision Process, Would Contradict Uintah Countys Plan For Managing The Uintah County WIA and UWC Lands

- X It is Uintah County's policy that no part of the Uintah County WIA and UWC Lands should be designated an (ACEC) unless it is clearly demonstrated that
  - X The proposed ACEC satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. ' 1702(a).
  - X The proposed ACEC is limited in geographic size and that the proposed management prescriptions are limited in scope to the minimum necessary to specifically protect and prevent *irreparable* damage to values that are objectively shown to be relevant and important or to protect human life or safety from natural hazards.
  - X The proposed ACEC is limited only to areas that are already developed or used or to areas where no development is required.
  - X The proposed ACEC designation and protection is necessary to protect not just a change in ground conditions or visual resources that can be reclaimed or reversed eventually (like reclaiming a natural gas well site after pumping operations are complete). Rather, the damage must be shown in all respects to be truly *irreparable* and justified on short term and long term horizons.
  - X The proposed ACEC designation and protection will not be applied redundantly over existing protections available under FLPMA multiple use sustained yield management ,the Wilderness Act, threaten or endangered species designations or any other special designation or law.
  - X The proposed ACEC designation is not a substitute for a wilderness suitability determination, nor is it offered as a means to manage a non WSA for so-called wilderness characteristics.
- X The foregoing summarizes the ACEC criteria of the State of Utah as well as Uintah County. See Utah Code ' 63-38d-401(8)(c). And the foregoing summarizes the criteria of FLPMA.
- X As of April 26, 2007, none of the ACEC alternatives being considered in the Vernal Resource Management Plan (RMP) revision process meets the Uintah

County's above-stated ACEC planning criteria. This includes the so-called:

- § Red Mountain - Dry Fork ACEC
- § Coyote Basin - Shiner ACEC
- § Coyote Basin - Snake John ACEC
- § Coyote Basin - Kennedy Wash ACEC
- § Coyote Basin - Coyote Basin ACEC
- § Middle Green ACEC
- § Pariette Wetlands ACEC
- § Coyote Basin - Myton Bench ACEC
- § Nine Mile Canyon ACEC
- § Lower Green ACEC
- § White River ACEC
- § Main Canyon ACEC
- § Bitter Creek/P.R.Spring ACEC
- § Bitter Creek ACEC
- § Four Mile Wash ACEC

All of the alternatives being considered for the above-listed ACECs constitute de facto wilderness management in the Uintah County WIA and UWC Lands by another name. Adopting any of those ACECs under any of the proposed alternatives other than the no action alternative, would be incompatible with and would therefore frustrate and defeat the foregoing plans of Uintah County for managing the Uintah County WIA and UWC Lands.

11. Including Any River Segment in the Uintah County WIA and UWC Lands in the National Wild and Scenic River System Would Violate the National Wild and Scenic Rivers Act and Related Regulations, Contradict the State's Public Land Policy, and Contradict the Foregoing Plans of Uintah County For Managing The Uintah County WIA and UWC Lands

- X It is Uintah County,s policy that no river segment should be included in the National Wild and Scenic River System unless
  - X Water is present and flowing at all times.
  - X The water-related value is considered outstandingly remarkable within a region of comparison consisting of one of three physiographic provinces

of the state, and that the rationale and justification for the conclusion are disclosed.

- X BLM fully disclaims in writing any interest in water rights with respect to the subject segment.
- X It is clearly demonstrated that including segment in the NWSR system will not prevent, reduce, impair, or otherwise interfere with the state and its citizen's enjoyment and development of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or Uintah County is a party.
- X The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed.
- X It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.
- X It is clearly demonstrated that the proposed addition will not adversely impact the local economy agricultural and industrial operations, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment.
- X The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code ' 63-38d-401(8) (a), as well as the criteria of Uintah County.
- X There is no part of the Middle Green River, Lower Green River, Ninemile Creek, the White River, Evacuation Creek, Bitter Creek, or any other segment in the Uintah County WIA and UWC Lands that meets the above criteria. Hence, no river segment in the Uintah County WIA and UWC Lands should be included in the National Wild and Scenic River system.
- X As of April 17, 2007, the terms prescribed in any of the alternatives being considered in the proposed revised Vernal RMP for managing proposed wild and scenic river segments in Middle Green River, Lower Green River, Ninemile Creek, the White River, Evacuation Creek, Bitter Creek, or any other segment in the Uintah County WIA and UWC Lands, constitute de facto wilderness management by another name. They are incompatible with and would therefore

frustrate and defeat the foregoing plans of Uintah County for managing Middle Green River, Lower Green River, Ninemile Creek, the White River, Evacuation Creek, Bitter Creek, or any other segment in the Uintah County WIA and UWC Lands.

12. A Visual Resource Management Class I or II Rating for Any Part of the Uintah County WIA and UWC Lands Would Contradict the State's Public Land Policy and Contradict Uintah County's Plan For Managing the Uintah County WIA and UWC Lands

- X The objective of BLM Class I Visual Resource Management is not compatible with, and would therefore frustrate and interfere with, Uintah County's foregoing plan clarification for the Uintah County WIA and UWC Lands.
- X The objective of BLM Class II Visual Resource Management is generally not compatible with, and would therefore frustrate and interfere with, Uintah County's foregoing plan clarification for the Uintah County WIA and UWC Lands. There are certain limited exceptions where a Class II objective would be compatible with Uintah County's foregoing plan clarification.
- X VRM Class II adversely affects existing rights such as mineral leases, livestock grazing and the ability to develop private lands. VRM inventories must be modified to permit full enjoyment and development of underlying land use authorizations and use potential. IBLA has held that VRM classes can not be enforced if it conflicts with underlying land use or existing oil and gas leases. SUWA, 144 IBLA 7 (1998)
- X Uintah County's foregoing plan clarification for the Uintah County WIA and UWC Lands is generally consistent with either Class III or Class IV, depending on the precise area.