

**MINUTES FOR REGULAR COMMISSION MEETING HELD JUNE 25, 2007  
BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN DUCHESNE,  
UTAH**

***Present***

Commission Chairman Kent R. Peatross, Commissioner W. Rod Harrison, Commissioner Kirk J. Wood, Duchesne County Public Works Director Glen Murphy, and Commission Assistant Kathy Desormeau taking minutes of the meeting.

***Opening Comments***

Commissioner Wood gave the prayer. There were no other comments.

***Pledge of Allegiance***

Any wishing to participate.

***Consideration of Partial Payment Requests***

As discussed during this date's Commission Work meeting, Duchesne County Public Works Director Glen Murphy presented three partial payment requests from Horrocks Engineering.

The commission reviewed Bluebell Connector Road, Project No. STP-1584(1)0 Partial Payment Request No. 11, 12 & 13. *Commissioner Harrison motioned to approve the Bluebell Connector Road Partial Payment Request No. 11, 12 & 13. Commissioner Wood seconded. All commissioners voted aye and the motion passed.*

The commission reviewed Arcadia Road Reconstruction, Project No. STP-1544(1)5 Partial Payment Request No. 20, 21 & 22. *Commissioner Harrison motioned to approve the Arcadia Road Reconstruction Partial Payment Request No. 20, 21 & 22. Commissioner Wood seconded. All commissioners voted aye and the motion passed.*

The commission reviewed Duchesne River Bridge Rehab, Bridgeland, Project No. BHO-LC13(4) Partial Payment Request No. 10, 11 & 12. *Commissioner Harrison motioned to approve the Duchesne River Bridge Rehab Partial Payment Request No 10, 11 & 12. Commissioner Wood seconded. All commissioners voted aye and the motion passed.*

***Consideration Of Business License Applications For Mossy Septics, Mountain Top Hypnotherapy, and U.S Food Service***

*Duchesne County Deputy Clerk/Auditor JoAnn Evans joined the meeting at 1:13 p.m...*

Deputy Clerk/Auditor JoAnn Evans requested that, due to lack of required documents, application for Mossy Septics be postponed. *Commissioner Wood motioned to postpone the Mossy Septics Business License Application. Commissioner Harrison seconded. All commissioners voted aye and the motion passed.*

*Commissioner Harrison motioned that the business license applications for Mountain Top Hypnotherapy and U.S. Food Service be approved. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

*Duchesne County Clerk/Auditor Diane Freston and Bond Council Eric Johnson joined the meeting at 1:15 p.m...*

***1:15 p.m. Public Hearing – Consideration Of The Proposed Issuance of Bonds In The Amount Not To Exceed \$5,000,000 to Finance A Portion Of The Acquisition And Construction Of A Long-Term Care Facility To Be Owned And Operated By Uintah Basin Medical Center, Inc.***

Bond Council Eric Johnson stated that the hearing is a joint Duchesne County Board of Commission/Municipal Building Authority (MBA) hearing. He stated that, for the purpose of securing loans, Uintah Basin Medical Center (UBMC) qualifies not only as an charitable/non-profit organization, but also as an instrumentality of a government entity, namely Duchesne County. At this time, it has not been determined which status UBMC will claim. However, this public hearing is being held to comply with requirements should UBMC claim charitable/non-profit status.

Attorney Johnson stated that the Utah Attorney General states that one government entity may not give funds to another government entity without receiving fair market exchange in return. Attorney Johnson stated his opinion that if the county acts only as a conduit through which the loan is channeled with UBMC making all payments, then UBMC would have paid back fair market exchange. However, because there are political issues regarding this, the Attorney General's Office wishes input on how the UBMC loan is structured. Attorney Johnson will work with the Attorney General in this matter.

Attorney Johnson recommended that the MBA take out the \$5,000,000.00 loan to apply towards improvements to UBMC. UBMC would then lease the facility to Duchesne County/MBA. Upon complete payment of the loan, the MBA would then assign ownership to Duchesne County, who would then draw up an agreement transferring interest to UBMC. Attorney Johnson recommended that, due to aforementioned political issues, the transfer of interest agreement not be signed until political issues regarding this procedure have been determined. Because this may occur some time into the future, Attorney Johnson will include, with the transcript of all prepared documents, a memo containing "no-sign" directions for the benefit of future Duchesne County Commissioners.

Chairman Peatross invited public comment. There were no members of the public in attendance. There was no public comment offered.

*At 1:25 p.m. Regular Commission Meeting reconvened...*

#### ***Consideration of Payment Vouchers***

The commission reviewed vouchers #101757 through #101824 (in the amount of four hundred seventy thousand, six hundred thirty-three dollars and eighty-eight cents (\$470,633.88)). Clerk/Auditor Diane Freston asked if payment should be made to the Myton, Duchesne, Roosevelt and Altamont Fire Departments.

*Commissioner Harrison motioned to approve vouchers as presented, including budgeted amount payments to Myton, Duchesne, Roosevelt and Altamont Fire Departments. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

Clerk/Auditor Freston stated that no payments have been made to Stringham Enterprises during 2007 because their contract lapsed on December 31, 2006. There has been no signed contract since then. She has received a bill from Stringham Enterprises covering the past seven (7) months. The commission directed Clerk/Auditor Freston to hold the bill while they research this matter.

#### ***1:30 p.m. Public Hearing – Proposed General Plan Amendment, Resolution No. 07-15 A Resolution Amending The Public Lands Section Of The Duchesne County General Plan To Clarify Longstanding Policies For That Geographic Region Of Duchesne County Referred To As The “Twin Knolls/Wrinkles Road Region.”***

*Duchesne County Community Development Administrator Mike Hyde joined the meeting at 1:30 p.m...*

Duchesne County Community Development Administrator Mike Hyde stated that the Bureau of Land Management (BLM) is reassessing areas for potential wilderness designation. He reported that the Duchesne County Commission had visited the area in question and found evidence of man such as roads and signs. To provide county input, Mr. Mark Ward of Utah Association Of Counties helped draft a General Plan that addresses pertinent issues. Mr. Hyde stated that staff, the Duchesne County Public Land Use Committee, and the Duchesne County Planning Commission recommend acceptance of the General Plan.

Chairman Peatross invited public comment. No members of the public were in attendance. There were no public comments offered.

*At 1:50 p.m. Regular Commission Meeting reconvened...*

Mr. Hyde presented Resolution No. 07-15, a resolution amending the Public Lands section of the Duchesne County General Plan to clarify longstanding policies for that geographic region of Duchesne County referred to as the “Twin knolls/Wrinkles Road Region.”

**RESOLUTION # 07-15**

**A RESOLUTION AMENDING THE PUBLIC LANDS SECTION OF THE DUCHESNE COUNTY GENERAL PLAN TO CLARIFY LONGSTANDING POLICIES FOR THAT GEOGRAPHIC REGION OF DUCHESNE COUNTY DESCRIBED BELOW AND HEREINAFTER REFERRED TO AS THE “TWIN KNOLLS/WRINKLES ROAD REGION.”**

WHEREAS, Duchesne County has a general plan adopted pursuant to Utah Code containing policies for the appropriate use of private and public land within the county; and

WHEREAS, Duchesne County desires to supplement its general plan to clarify long-standing policies specific to certain geographic regions of the county as the need arises; and

WHEREAS, the Duchesne County Public Land Use Committee has recommended certain amendments associated with lands in the Twin Knolls/Wrinkles Road region of the county; and

WHEREAS, the Duchesne County Planning Commission has reviewed and concurs with the recommendation of the Public Land Use Committee;

NOW, THEREFORE, THE DUCHESNE COUNTY GENERAL PLAN IS AMENDED BY INSERTING THE FOLLOWING AT THE END OF THE PUBLIC LANDS SECTION OF THAT PLAN:

**CLARIFICATION OF DUCHESNE COUNTY’S ONGOING PLAN FOR MANAGING CERTAIN LANDS IN THE TWIN KNOLLS/WRINKLES ROAD REGION OF THE COUNTY**

**SECTION 1. Subject Lands.**

This plan clarification applies to those certain areas of land in Southeastern Duchesne County, which the United States Bureau of Land Management (“BLM”) in its so-called 1999 Wilderness Inventory Report purported to label as follows:

- Desolation Canyon Unit 1, located in:
  - Sections 23-27 and 33-36 of Township 11S Range 15E,
  - Sections 15-16 and 19-36 of Township 11S Range 16E
  - Sections 2-5, 8-16, 19-23 and 26-35 of Township 11S Range 17E

This plan clarification also applies to all other areas of land located in any townships and ranges of Southeastern Duchesne 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” for their so-called Book Cliffs Region, according to the map thereof set forth in the UWC internet web site, address <http://www.protectwildutah.org/proposal/index>, as it exists on April 15, 2007, including the following areas labeled as follows in the Book Cliffs Region portion of the said UWC internet web site:

- Desbrough Canyon, aka Desolation Canyon, located in parts of:
  - Township 10S Range 17 E
  - Township 11S Range 15E
  - Township 11S Range 16E
  - Township 11S range 17E

For purposes of this plan clarification, all of the above-described lands are collectively referred to herein as the “Twin Knolls/Wrinkles Road Region, and are illustrated more fully in the official map attached hereto. Any reference hereafter to the term “Twin Knolls/Wrinkles Road Region” shall refer to any and all of the above-described land areas.

**SECTION 2. Clarification of Ongoing Plans, Policies and Position.**

It is Duchesne County’s intent and purpose to clarify the public land use policies within the Duchesne County General Plan to include this supplement pertaining to the Twin Knolls/Wrinkles Road Region. These policies are intended to supplement the general plan policies that apply countywide. Duchesne County declares its plan for the subject region to be as follows:

**SECTION 3. Achieve and Maintain A Continuing Yield of Mineral Resources In The Twin Knolls/Wrinkles Road Region At The Highest Reasonably Sustainable Levels.**

- a. Development of the solid, fluid and gaseous mineral resources in the Twin Knolls/Wrinkles Road Region is

an important part of the economy of Duchesne County.

- b. Duchesne County recognizes that it is technically feasible to access mineral and energy resources while preserving non-mineral and non-energy resources.
- c. All solid, fluid and gaseous mineral resources in the Twin Knolls/Wrinkles Road Region that exist in economic quantities and are recoverable with foreseeable technology should be made available for development.
- d. Physical and administrative access to mineral resources must be maintained while providing appropriate protection to other resources and uses. Lands shown to have reasonable mineral potential in the Twin Knolls/Wrinkles Road Region should be open to oil and gas leasing with economically and technically viable 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.
- e. Fluid and gaseous minerals should be protected against waste and drainage.
- f. Any previous lease restrictions in the Twin Knolls/Wrinkles Road Region that are no longer necessary or effective should be modified, waived or removed.
- g. 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.
- h. 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.
- i. Any moratorium or withdrawals that may exist against the issuance of additional mining patents and oil and gas leases in the Twin Knolls/Wrinkles Road Region should be carefully evaluated for removal.

**SECTION 4. Achieve and Maintain Livestock Grazing in The Twin Knolls/Wrinkles Road Region At The Highest Reasonably Sustainable Levels.**

- a. Domestic livestock and wildlife forage in the Twin Knolls/Wrinkles Road Region are expressed in animal unit months (AUMs), and are allocated as such in the current RMP. Forage allocated to livestock should be no less than the maximum number of animal unit months sustainable by range conditions in grazing districts and allotments in the Twin Knolls/Wrinkles Road Region, based on an on-the-ground and scientific analysis.
- b. Where once-available grazing forage in the Twin Knolls/Wrinkles Road Region has succeeded to pinion, juniper and other woody vegetation and associated biomass, or where rangeland health in the Twin Knolls/Wrinkles Road Region 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 vegetative 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 Twin Knolls/Wrinkles Road Region.
- c. Duchesne County regards the land which comprises the grazing districts and allotments in the Twin Knolls/Wrinkles Road Region, including the Devil's Canyon, Water Canyon No. 2, Bull Canyon, Little Desert and Twin Knolls allotments, 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 Duchesne County's plan that animal unit months in the Twin Knolls/Wrinkles Road Region not be relinquished or retired in favor of conservation, wildlife and other uses.

- d. Duchesne County recognizes that from time to time a bona fide livestock permittee in the Twin Knolls/Wrinkles Road Region, 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.
- e. BLM imposed suspensions of use or other reductions in domestic livestock animal unit months in the Twin Knolls/Wrinkles Road Region should be temporary and scientifically based on rangeland conditions.
- f. 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 Duchesne County as illogical. There is already imputed in each AUM a reasonable amount of forage for the wildlife component.
- g. Any grazing animal unit months that may have been reduced in the Twin Knolls/Wrinkles Road Region due to rangeland health concerns should be restored to livestock when rangeland conditions improve and

not converted to wildlife use.

**SECTION 5. Manage the Watershed in The Twin Knolls/Wrinkles Road Region to Achieve and Maintain Water Resources At The Highest Reasonably Sustainable Levels.**

- a. All water resources that derive in the Twin Knolls/Wrinkles Road Region are the property of the State of Utah. They are owned exclusively by the State in trust for its citizens.
- b. As a political subdivision of the State, Duchesne County has a legitimate interest in seeing that all reasonable steps are taken to preserve, maintain, enhance and where reasonable develop those water resources.
- c. 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 Twin Knolls/Wrinkles Road Region to restore, maintain and maximize water resources there. This includes restoration, maintenance and enhancement of the watershed in the Twin Knolls/Wrinkles Road Region.
- d. Where water resources in the Twin Knolls/Wrinkles Road Region 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.
- e. Duchesne County's strategy and plan for protecting the Twin Knolls/Wrinkles Road Region watershed is to deter unauthorized cross-country OHV use in the Twin Knolls/Wrinkles Road Region. The best way to achieve this is to give OHV users a reasonable system of trails in the Twin Knolls/Wrinkles Road Region on which to legitimately operate their OHVs. Closing the Twin Knolls/Wrinkles Road Region to all OHV use will only spur increased unauthorized cross-country OHV use to the detriment of the Twin Knolls/Wrinkles Road Region watershed.

**SECTION 6. Achieve and Maintain Traditional Access to Outdoor Recreational Opportunities Available on Public Lands in The Twin Knolls/Wrinkles Road Region.**

- a. Traditionally, citizens of Duchesne County and visitors have enjoyed many forms of outdoor recreation in the Twin Knolls/Wrinkles Road Region, 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 sightseeing in their personal vehicles. Accordingly, all trails in the Twin Knolls/Wrinkles Road Region, which historically have been open to OHV use, should remain open.
- b. Public land outdoor recreational access in the Twin Knolls/Wrinkles Road Region should not discriminate in favor of one particular mode of recreation to the exclusion of others. Traditionally, outdoor recreational opportunities in the Twin Knolls/Wrinkles Road Region have been open and accessible to working class families, to families with small children, to the physically impaired or disabled, to the middle aged and elderly, to persons of different cultures for whom a "primitive solitary hike" or "back-country experience" may not be the preferred form of recreating, and to the economically disadvantaged and underprivileged who lack the money and ability to take the time off work necessary to get outfitted for a multi-day "primitive hike" to reach those destinations. All of society should not be forced to participate in a "solitude experience" or a "primitive experience" as the one and only mode of outdoor recreation in the Twin Knolls/Wrinkles Road Region.
- c. Any segment of society, for that matter, who want to recreate in the Twin Knolls/Wrinkles Road Region are entitled to motorized access to that recreation if they desire it, and are entitled to all traditional forms of outdoor recreation if they desire it. They should not have to hike into the outdoor recreational destinations in the Twin Knolls/Wrinkles Road Region if they do not want to or are physically unable or cannot afford such an activity.
- d. Hence Duchesne County's plan calls for continued public motorized access to all traditional outdoor recreational destinations in all areas of the Twin Knolls/Wrinkles Road Region for all such segments of the public. Duchesne County specifically opposes restricting outdoor recreation in the Twin Knolls/Wrinkles Road Region to just one form - available for those who have enough time, money and athletic ability to hike into the destinations of the Twin Knolls/Wrinkles Road Region for a so-called "solitude wilderness experience" or the like.
- e. Accordingly, all roads in the Twin Knolls/Wrinkles Road Region that are part of Duchesne County's duly adopted transportation plan should remain open to motorized travel. None of them should be closed, and Duchesne County should have the continued ability to maintain and repair those roads, and where reasonably necessary make improvements thereon. All trails in the Twin Knolls/Wrinkles Road Region that have been open to OHV use should continue to remain open. Traditional levels of wildlife hunting

and fishing should continue. Traditional levels of group camping, group day use and all other traditional forms of outdoor recreation -motorized and non-motorized - should continue.

**SECTION 7. Maintain and Keep Open All Roads on Public Lands in the Twin Knolls/Wrinkles Road Region That Appear On Duchesne County's Most Recent Transportation Map, and Provide For Such Additional Roads, Trails, Easements and Rights of Way As May Be Necessary From Time to Time.**

- a. Duchesne County's transportation plan includes an official countywide transportation map, available to the public for viewing and copying, showing all County B and D roads.
- b. That portion of Duchesne County's official transportation map, which shows all County B and D roads in the Twin Knolls/Wrinkles Road Region, is considered to be part of Duchesne County's plan specifically applicable to the Twin Knolls/Wrinkles Road Region. All such public roads are shown in the attached official map.
- c. Duchesne County plans to keep all such roads in the Twin Knolls/Wrinkles Road Region open to public use, reasonably maintained and in good repair. Duchesne 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 Duchesne County and BLM cannot reach an agreement on such proposed improvements after reasonable efforts at consultation.
- d. Additional roads, trails and transportation corridors may be needed in the Twin Knolls/Wrinkles Road Region from time to time to facilitate reasonable access to a broad range of resources and opportunities throughout the Twin Knolls/Wrinkles Road Region, 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 Twin Knolls/Wrinkles Road Region to accomplish the purposes of those lands.

**SECTION 8. Manage the Twin Knolls/Wrinkles Road Region 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.**

- a. Reasonable mineral development in the Twin Knolls/Wrinkles Road Region 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 regulations adequately protect these resources.
- b. 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 Twin Knolls/Wrinkles Road Region. 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 to the satisfaction of BLM and Duchesne County that such activities will not damage those resources.

**SECTION 9. Manage the Twin Knolls/Wrinkles Road Region So As to Not Interfere With The Property Rights of Private Landowners Located in That Region.**

- a. There are parcels of private fee land located in the Twin Knolls/Wrinkles Road Region, including several in the Nine Mile Canyon area.
- b. Land management policies and standards on BLM land in the Twin Knolls/Wrinkles Road Region 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.
- c. Nor should those landowners and their guests be denied the right of motorized access to their private property consistent with past uses of those private land parcels.

**SECTION 10. Manage the Twin Knolls/Wrinkles Road Region So As to Not Interfere With The Fiduciary Responsibility of the State School and Institutional Trust Lands Administration ("SITLA") With Respect to Trust Lands Located in That Region.**

- a. Scattered throughout the Twin Knolls/Wrinkles Road Region 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.
- b. As trustee, SITLA has a fiduciary responsibility to manage those school trust lands to generate maximum revenue therefrom, 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.

- c. Land management policies and standards on BLM land in the Twin Knolls/Wrinkles Road Region should not interfere with SITLA's ability to carry out its fiduciary responsibilities.
- d. 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.

**SECTION 11. Managing Part or All of The Twin Knolls/Wrinkles Road Region For So-Called Wilderness Characteristics Would Violate FLPMA, Contradict The State's Public Land Policy and Contradict The Foregoing Plans of Duchesne County For Managing The Twin Knolls/Wrinkles Road Region.**

- a. As Utah Code § 63-38d-401(6)(b) indicates, managing the Twin Knolls/Wrinkles Road Region 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 Duchesne County's. A so-called "wilderness characteristics" management standard for the Twin Knolls/Wrinkles Road Region is de facto wilderness management by another name. It is incompatible with and would therefore frustrate and defeat the foregoing plans of Duchesne County for managing the Twin Knolls/Wrinkles Road Region. The Duchesne County plan for public lands as well as written communications by Duchesne County to BLM, specify that additional wilderness designation shall be opposed.
- b. A so-called "wilderness characteristics" management standard for the Twin Knolls/Wrinkles Road Region also violates FLPMA and the 2003 Settlement Agreement between Utah and Department of Interior.
- c. Managing Post-603 Lands<sup>1</sup> pursuant to the Interim Management Policy of 1979 ("IMP") is inconsistent with BLM authority. Agreement p. 6 & 13.a;
- d. 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;
- e. The 1999 Utah Wilderness Re-inventory shall not be used to manage public lands "as if" they are or may become Wilderness Study Areas (WSA). Agreement p. 13 & 4;
- f. 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;
- g. DOI/BLM will remove from the proposed revised resource management plans in the Vernal, Price, Richfield, Monticello and Moab Districts 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.

**SECTION 12. 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 Duchesne County's Plan For Managing The Twin Knolls/Wrinkles Road Region.**

- a. It is Duchesne County's policy that no part of the Twin Knolls/Wrinkles Road Region should be designated an ("ACEC") unless it is clearly demonstrated to the satisfaction of the Duchesne County Commission that:
  - 1. The proposed ACEC satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1702(a).
  - 2. 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 ensure safety from natural hazards.
  - 3. The proposed ACEC is limited only to areas that are already developed or used or to areas where no development is required.
  - 4. 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.
  - 5. The proposed ACEC designation and protection will not be applied redundantly over existing protections available under FLPMA multiple use sustained yield management.
  - 6. The proposed ACEC designation is not a substitute for a wilderness suitability determination, nor

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<sup>1</sup> As that term is defined in the *Utah v. Norton* settlement agreement of April 11, 2003.  
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is it offered as a means to manage a non-WSA for so-called wilderness characteristics.

- b. The foregoing summarizes the ACEC criteria of the State of Utah as well as Duchesne County. See Utah Code § 63-38d-401(8)(c). And the foregoing summarizes the criteria of FLPMA.
- c. As of May 1, 2007, none of the ACEC alternatives being considered in the Vernal Resource Management Plan (“RMP”) revision process meets Duchesne County’s above stated ACEC planning criteria. However, Duchesne County is supportive of an ACEC in the Nine Mile Canyon area of the subject region, located in Sections 31, 33, 34 and 35, Township 11 South, Range 17 East, provided that the boundaries do not extend beyond the rims of the canyon visible from the canyon bottom. Extension of an ACEC beyond the rims defined above would be incompatible with and would therefore frustrate and defeat the foregoing plans of Duchesne County for managing the Twin Knolls/Wrinkles Road Region.

**SECTION 13. Including Any River Segment in the Twin Knolls/Wrinkles Road Region 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 Duchesne County For Managing The Twin Knolls/Wrinkles Road Region.**

- a. It is Duchesne County’s policy that no river segment should be included in the National Wild and Scenic River System unless
  1. Water is present and flowing at all times.
  2. 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.
  3. BLM fully disclaims in writing any interest in water rights with respect to the subject segment.
  4. It is clearly demonstrated that including the segment in the NWSR system will not prevent, reduce, impair, or otherwise interfere with the state and its citizen’s enjoyment 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 Duchesne County is a party.
- b. 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.
- c. 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.
- d. 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.
- e. 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 Duchesne County.
- f. There is no part of Nine Mile Creek or any other river segment in the Twin Knolls/Wrinkles Road Region that meets the above criteria. Hence, no river segment in the Twin Knolls/Wrinkles Road Region should be included in the National Wild and Scenic River system.
- g. As of May 1, 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 Nine Mile Creek or any other segment in the Twin Knolls/Wrinkles Road Region, constitute de facto wilderness management by another name. They are incompatible with and would therefore frustrate and defeat the foregoing plans of Duchesne County for managing Nine Mile Creek or any other segment in the Twin Knolls/Wrinkles Road Region.

**SECTION 14. A Visual Resource Management Class I or II Rating for Any Part of the Twin Knolls/Wrinkles Road Region Would Contradict the State’s Public Land Policy and Contradict Duchesne County’s Plan For Managing the Twin Knolls/Wrinkles Road Region.**

- a. The objectives of BLM Class I and II Visual Resource Management (VRM) are not compatible with, and would therefore frustrate and interfere with, Duchesne County’s foregoing plan clarification for the Twin Knolls/Wrinkles Road Region. VRM Class I and II designations adversely affect 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. VRM classifications shall not be enforced if in conflict with underlying land use or existing oil and gas leases.

- b. Duchesne County's foregoing plan clarification for the Twin Knolls/Wrinkles Road Region is generally consistent with either Class III or Class IV VRM, depending on the precise area.

DATED this 25th day of June 2007.

ATTEST:

DUCHESNE COUNTY  
BOARD OF COMMISSIONERS

*Commissioner Harrison motioned that Resolution No. 07-15 be approved as recommended by the Duchesne County Public Land Use Committee and the Duchesne County Planning Commission. Commissioner Wood seconded. All commissioners voted aye and the motion passed.*

***Consideration Of Resolution No. 07-16 A Resolution Establishing Bylaws Governing The Region V Regional Response Planning Committee***

Commissioner Harrison stated that the Region V Regional Response Planning Committee bylaws had been a topic of the June 18, 2007 Regular Commission meeting.

**RESOLUTION NO. 07-16**

**A RESOLUTION ESTABLISHING BYLAWS GOVERNING THE REGION V REGIONAL RESPONSE PLANNING COMMITTEE**

**WHEREAS** the Duchesne County Commission finds that there must exist bylaws governing the Region V Regional Response Planning Committee, and

**WHEREAS** the Duchesne County Commission finds that in balancing the interest of the county, the Region V Regional Response Planning Committee, the public and in the interest of all parties there should be established bylaws governing the Region V Regional Response Planning Committee, and

**WHEREAS** Duchesne County finds in adopting these bylaws, it is the intent of the Duchesne County Commission to be as comprehensive as possible in addressing the bylaws governing the Region V Regional Response Planning Committee,

**BE IT THEREFORE RESOLVED** by the Board of County Commissioners for Duchesne County that:

This organization shall be known as the Region V Regional Response Planning Committee. The principal office of the Committee will be within the State of Utah, in a location to be determined by its members or by the Regional Response Planning Committee.

**I. PURPOSE AND OBJECTIVES**

1. The purpose and objective of the Region V Regional Response Planning Committee are:
  - a) To hold scheduled meetings, to establish short and long-term range plans covering all hazardous situations and the Hazardous Materials Emergency Preparedness Program and other emergency operation plans for the Daggett, Duchesne, and Uintah County areas.
  - b) To provide support and focus in an all hazards approach to protect life, property and the environment from natural and man-made hazards. The Committee will address issues that come before the Committee concerning both public and private responders. This will include but is not limited to fixed facilities, transportation routes, responder training, and responder equipment.
  - c) The Committee will perform hazard analysis in order to prioritize issues that the region perceives as the most credible threat to the region.
  - d) The Committee will be responsible for creating a Regional Response Plan. Each agency will submit protocols and/or procedures to the Committee for consideration. The Committee will work to address the protocols and/or procedures of each agency to create protocols and/or procedures that will create an effective and efficient response for Region V by consensus.
  - e) The data when agreed upon by consensus will be used to update current plans and create a Regional Response Plan.
  - f) The Region Plan when complete will give credence to the development of an Area-wide Emergency Response Plan that utilizes the expertise, resources and methods that are cost effective and provide for timely reactions by the counties.
  - g) As new Hazard Analysis may be required by the State of Utah often, the Committee will identify natural and man-made hazards within each county to comply with State requests. That analysis will be addressed on a local as well as a regional basis.
  - h) The potential of the natural and/or man-made disasters or emergencies will be addressed as much as possible by the time the Committee has to complete projects.
  - i) The Committee will be responsible to work on Mutual Aid and/or Memorandums of Understandings for resources, responders and equipment not within Region V.
  - j) The Emergency Manager of each county will to the best of his/her ability submit NIMS

- certifications of the agencies within their counties.
- k) Each agency will be responsible for the training and certification of the responders within their agency. The agency representative will be responsible to submit the certifications to the Emergency Manager to enable the Emergency Manager to have copies of certification and/or records for State and Federal audits.
- l) To conduct post-incident evaluations for emergency response that requires a regional response.
- m) Committee members will report individual county responses and identify lessons learned to assist the members and agencies in improving the Response Plan as well as the individual County Emergency Response Plans.
- n) Issues to be worked on by the Committee should be submitted in writing to the Committee with goals, objectives, and/or justification.

## **II. DUTIES OF THE REGIONAL RESPONSE PLANNING COMMITTEE**

1. To give notice of all meetings of the Committee and to make provisions for the keeping of a record of the proceedings.
2. Keep track of grants and awards issued to the Region V as defined by the State of Utah Department of Homeland Security.
3. To prioritize and sign-off on a list of priority items for these awards and grants. Any changes made to line items on the grant funding awarded to each county needs to be approved by the Emergency Manager of the county the award was given to. This enables the Emergency Manager to request changes for their county award line items with the State Homeland Security Grant Finance Department.
4. Each county is responsible to submit to the Tri-County RRTPC the requests from each of the counties, Daggett, Duchesne, and Uintah prioritized by each of the individual counties to their needs, justification and requests.
5. The requests will be reviewed by the voting members of the RRTPC.
6. Line items or an agency requesting a line item may not be changed by any Committee member unless there is an emergency situation that arises due to time, rejection for the line item by the State HLS, or the inability of the Emergency Manager to be present. If this situation arises all three Emergency Managers must communicate in order to resolve the problem. This may be a conference call if necessary.

## **III. OFFICERS**

1. The officers of the Region V Regional Response Committee shall be the Emergency Managers of each county.
2. The **Chairperson** shall be rotated among the three counties with the position lasting for 1 year from January to December.
3. The **Co-Chair** shall rotate among the three counties with the position lasting for 1 year from January to December.
4. The **Secretarial** position shall be the last Chairperson of the previous year. This position shall rotate among the three Emergency Managers and last for a 1-year term. All membership information for the RRPC shall be the responsibility of the secretaries. All records and information obtained dealing with the RRPC meetings shall transfer to the new secretary immediately upon the new assignment.
5. The officers shall take office immediately upon their rotation and shall serve a term of 1 year.
6. In the event that any of the officers are unable to fulfill the duties of their office, the position will be filled by the officers already in office. The officers will move up a position to ensure the continuation of the Committee until the end of the 1-year term.
7. In the event that the Committee is without an Emergency Manager from any of the three counties and leaving a Secretarial position open one may be appointed by the Chairperson until the end of the term of office.

## **IV. DUTIES OF THE OFFICERS**

1. **Duties of the Chairperson:** It shall be the duty of the Chairperson to:
  - a) Report to the Region V Regional Response Planning Committee.
  - b) Conduct all meetings held by the RRPC.
  - c) To conduct correspondence and to carry into execution all orders, votes, and resolutions not otherwise committed.
  - d) To keep records of any agents retained by the Committee, and to take charge and supervise their performance.
2. **Duties of the Co-Chair:** It shall be the duty of the Co-Chair to:
  - a) Assist the Chairperson in functioning as support.
  - b) In the absence of the Chairperson, or in the event of his/her resignation or inability to fulfill the duties of the office of the Chairperson, the Co-Chair shall be responsible for the duties of the Chairperson.
3. **Duties of the Secretary:** It shall be the duty of the secretary to:
  - a) Keep a list of the members.
  - b) Send out notification of all meetings.
  - c) Ensure meetings are recorded and kept in an organized manner.
  - d) Keep records of any agents retained by the Committee.
  - e) Track and maintain records or accounting dealing with the grants or inventory of

- the Hazmat trailers.
- f) Each Emergency Manager should provide documentation on each trailer being operated under their jurisdiction to the best of their ability.
- g) Give notice of and attend all meetings of the Committee and to make provisions for the keeping of a record of the proceedings.

**V. MEMBERSHIP**

The membership shall be comprised of voting and non-voting members.

**1. Voting Members:**

- a) The Region V Regional Response Planning Committee board shall be comprised of twelve (12) members. Each county shall select three members from their local LEPC Committees or by any means decided upon at the county level. The Emergency Manager from each county shall be one of the appointed members to the board.
- b) Members voted to the RRPC board will immediately take office and remain for one year.
- c) members and/or an appointed representative with letters of proxy will be required to attend at least 60% of the regular scheduled meetings.
- d) The Committee may adopt such rules for the conduct of its business as shall be deemed advisable, and may, in the execution of powers granted, appoint subCommittees or agents to work on specific problems or reports. The RRPC has meetings, and shall report to the membership on actions taken. It shall also meet on the demand of a majority of the active membership.
- e) It shall be the responsibility of the voting member to report assignment changes, alternate replacement, address changes, and other contact information to the secretary.

**2. Non-Voting Members:**

Non-voting members shall be comprised of any and all other agencies or officials attending the meetings to represent information dealing with their agencies.

**VI. MEETINGS**

- 1. Meetings. There shall be eleven (11) meetings of the RRPC Committee during each calendar year. Meetings shall rotate between within the region each month starting with the January meeting being held in Uintah County, February meeting in Duchesne and the March meeting will be held in Daggett with rotation commencing thereafter. Each county will host the RRPC meetings on this rotation, unless otherwise changed by the voting members of the Committee. Notice of such meetings, issued by the secretary or the chairpersons, shall be emailed to the last recorded address of each member at least seven (7) days prior to the scheduled time of such meeting each month.
  - 2. Quorum Defined. Those present at any meeting of the Committee shall constitute a quorum. A quorum is at least seven (7) members.
  - 3. Quorum Required. A quorum shall be required to transact any business of the Committee. Only voting active members will be allowed to vote on any recommended action of the Committee.
  - 4. Minimum Vote Required. The minimum number of yes votes required to pass any motion or to take any action by the Committee shall be a majority of the members of the quorum present.
  - 5. Special Meetings. Special Meetings of the Committee may be called at any time either by the Chairperson or Co-Chairperson or by written request of a majority of the active membership. Seven (7) days notice of any special meeting must be given to the members of the Committee, and the notice must state the intent of the meeting in detail.

**VII. AMENDMENTS**

The by-laws may be amended, repealed, or altered in whole or in part, by a majority vote of the active members at any organized meeting of the RRPC Committee after notice has been duly mailed to each committee member at least seven (7) calendar days prior to such a meeting.

DATED this 18th day of June, 2007

ATTEST:

DUCHESNE COUNTY  
BOARD OF COMMISSIONERS

*Commissioner Harrison motioned that Resolution No. 07-16, a resolution establishing bylaws governing the Region V Regional Response Planning Committee be approved. Commissioner Wood seconded. All commissioners voted aye and the motion passed.*

***Consideration Of The Minutes For Regular Commission Meeting Held June 18, 2007***  
*Commissioner Wood motioned to approve the minutes as presented. Commissioner Harrison seconded the motion. All commissioners voted aye and the motion passed.*

***Adjournment***

*Chairman Peatross adjourned the meeting at 2:00 p.m.*

*Read and approved this 2<sup>nd</sup> day of July 2007.*

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*Kent R. Peatross*  
*Commission Chairman*

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*Diane Freston*  
*Clerk/Auditor*

*Minutes of meeting taken by Kathy Desormeau*\_\_\_\_\_