



Carbon County

Utah's Castle Country



PLANNING COMMISSION MEETING MINUTES – March 3, 2015

IN ATTENDANCE:

Chairman Richard Tatton
Tom Paluso
Reed Phillips
Danny Blanton
R.D. Campbell
Don Torgerson
Dave Levanger, Planning Director/Building Official
Christian Bryner, Deputy County Attorney
Doris Johnston, minutes

OTHERS ATTENDING:

Rex Sacco, Public Lands Director
Mellissa Lasslo, GIS, Staff
Alan Petersen
Dennis Willis
Lane Miller
Pete Kilbourne
Heidi Essex, Utah State Archeological Society
Scott Hackey
Michelle Goldsmith
Citizens of Carbon County

EXCUSED:

None

The meeting was called to order at 4:30 PM

- 1) Pledge of Allegiance**
- 2) Review and possible approval of the meeting minutes from February 3, 2015**

Tom Paluso had a spelling correction on item 5 on the name “Blazevik” and asked to change the letter to “C” and remove the letter “K” in this name.

Tom Paluso made a motion to approve the minutes with this correction. Danny Blanton seconded. By unanimous decision, motion carries.

- 3) Review of past projects**

None to report

- 4) Review and recommendation to the Board of Commissioners for designation of lands as per Representative Bishop’s Public Lands Initiative. Staff report at meeting.**

The Planning Commission and Staff introduced themselves due to the large public attendance.

The Public Lands Initiative Map (PLI4) was displayed for Planning Commission members and public.

Rex Sacco explained Carbon County was requested by Congressman Bishop’s office to submit a plan for his Public Lands Initiative. Carbon County’s first presentation to them is what had been approved in 2003, which was a small area of about 13,000 acres. One of the key elements to making this work for the enjoyment of the public and recreation use is the connectivity. A proposal was started to look at connecting the corridors using the Green River area from Uintah County to Emery County. Rex explained that a Citizens Committee was put together to look at what areas in Eastern Utah were most

pristine for good recreation experience as far as wilderness. The topographic levels were used to make this happen. Rex explained the elevation differences on the map. Rex commented that Wilderness is not the only reason we have done this. We are also trying to keep our energy production alive to work for economic development. Rex pointed out the oil shell layer to depict the energy zone area on the map. There are some areas that will need some special type of management and be applicable under the National Conservation Area level.

Proposed designation-National Conservation Areas (NCA)

- Nine Mile Canyon Area
 - Designation by Congress solidifies all of the elements in Programmatic Agreement.
 - Have multiple use and also have protection for the cultural values
- Range Creek Area
 - Protect cultural elements
 - Catastrophic Fire protection
- Jacks Canyon Area
 - Buffer zone, Non Surface Occupancy (NSO)
 - Highest potential for oil and gas

Rex Sacco explained who was on the citizens committee during this process.

- Butch and Jeannie Jensen, Tavaputs Ranch
- Clyde McCourt,
- Alan Petersen, local citizen, recreationalist
- Joan Powell, Mayor Wellington City, recreationalist
- Mike Angus, Enervest
- Blair Eastman, Hunt Oil
- Sue Bellagamba, The Nature Conservancy
- Marcia Argust, PEW Charitable Trusts

Rex Sacco and Christian Bryner explained to the audience what is being asked for by the Planning Commission today and the process after:

- Recommend to the County Commission the PLI4 map, the reasons for the designations, and to make a decision to move forward to the Public Hearing.
- If approved by the County Commission at the Public Hearing, asking the Commission to make a formal resolution asking this receive legislative approval from Congress

Dave Levanger commented that there will also be an Open House between now and the County Commission Public Hearing to give more input to the public on the Carbon County Public Lands Plan.

Commissioner Jake Mellor had a question on how this proposal will change how Nine Mile stood.

Rex Sacco stated it would not change very much. It would possibly lower one standard, the VRM standard, while keeping the cultural, historical, use of road, and be more solidified.

Tom Paluso asked Rex Sacco if he felt the government would accept the map Carbon County is proposing. Rex Sacco answered yes, if we have enough support and it works well for the people of Carbon County. Congressman Bishop has left the door open on this for the Commissioners and they can opt out at any time.

Christian Bryner asked what areas would be off limits for motorized access. Rex answered all of the Wilderness area. Areas with existing roads in them will be accessible. The County just wants to use the roads that are on our RS2477 map, Class D map from 1978 and have them recognized and put them back to

use. Rex explained that private road access is something that is very necessary for private land owners and people on the river and we want to make sure to have this.

Rex Sacco commented that the locked gates in Desolation Canyon (Horse Bench) would come down if we participate in the PLI.

Alan Petersen and Rex Sacco explained Carbon County would have a designation of Wild and Scenic River in our section of the Green River, if we participate in the PLI.

Danny Blanton asked if the bordering counties have been informed on this proposal. Rex answered he has sent copies of the PLI to Ray Petersen and hoped that Emery County would do something of the same nature to help reduce the catastrophic fire danger and protection of the cultural values.

Chairman Richard Tatton explained this is a recommendation to the Planning and Zoning Commission and not a Public Hearing but will allow public comments with a 2 minute limit.

Comments and questions from public:

Q: Scott Hackey asked if there were any land trades/SITLA trades with this.

A: Rex Sacco answered there will be some SITLA trades in the area where there are wilderness rights now. That will be a separate agreement.

Q: Michelle Goldsmith asked about the acronyms used-SITLA

A: Rex Sacco answered SITLA is School & Institutional Trust Lands Administration

Dennis Willis gave info on the Tribal side of the Green River and explained that by federal statute the Ute Tribe is required to manage their side of the river as though it were "Wild and Scenic" so this will go along very well with the Carbon County designation.

Q: Pete Kilbourn had questions on the boundary line close to the river on the map and difference in proposed status and how a National Conservation Area works.

A: Rex Sacco answered the difference in proposed status is about 800 ft. in elevation and does not go down to the river. Rex also explained NCA's are areas that can be determined how they are going to be managed by an advisory committee for a particular use. There will be an advisory committee created by the BLM to help manage and to set some of the standards for the NCA.

Q: Lane Miller asked why a National Conservation Area and not a National Historic District for Nine Mile Canyon?

A: Rex Sacco explained that what we can do with an NCA makes the uses more flexible and more diverse. An NCA allows all of that to happen and we can do certain things with an NCA that we might have problems doing with a National Historic District. We still need to maintain our roads, see energy development done with stipulations. Carbon County wants to identify certain areas where the cultural finds are and designate that area under the Historic Register which is a very effective way to do that.

Dave Levanger recalled that the area in the north was never recommended by the BLM for wilderness. Dave spoke on the area that was studied under the EIS (Environmental Impact Study) for the Barrett Drilling project. There are many different management layers and we are trying to strike a balance.

Q: Hiedi Essex, VP Utah State Archeological Society had questions on the comment period before this goes to the County Commission.

A: Rex Sacco stated the Open House will be on March 12, 2015 and the Public Hearing is on March 18, 2015 at the regular County Commission Meeting.

Christian Bryner explained there is no statutory requirement to have a Public Hearing or Open House. There is no prescribed period that the County is required to follow. Things move fast in Congress and we are forced to do this quickly but want the public to be aware. The Commission will consider any written comments submitted to them, informal comments at the Open House and formal comments at the Public Hearing.

Scott Wheeler asked what the acreage is on Wilderness area that is being proposed.

Rex Sacco stated the acreage

- Wilderness-51,153 AC
- Nine Mile NCA-26,210 AC
- Range Creek NCA-4,203 AC
- Jacks Canyon NCA-9,289 AC
- Total Conservation=90,855 AC which is around 4,000 acres more than the original Wilderness Study Area was.

An unnamed citizen asked why an amount of the wilderness was taken out in an area on the map. Rex Sacco stated there is around 21,000 acres of hard release from wilderness for the potential for oil and gas development. Rex Sacco stated we believe this area is a higher value for producing oil and gas than it is for wilderness characteristics it is in.

Dennis Willis made a statement. Mr. Willis stated this is a very momentous decision and if passed as an act of Congress will be one of the most important recommendations that this board will ever make because you don't have the opportunity to fix it if down the road, time has passed it by or we find out there are things in it that we don't like. Mr. Willis asked the board to withhold their recommendation pending getting more public review and input on this. Mr. Willis said there are a number of interests that in my opinion were not well represented on the committee, such as cultural resources, non-motorized recreation interests, and commercial recreation interests. Mr. Willis stated there are many people that need to look at this and thoroughly understand it. Other questions Mr. Willis had, speaking on behalf of the Nine Mile Coalition and many of the professional archeologists in the area and other archeological groups feel that a National Historic Landmark would be more appropriate management overlay for Nine Mile Canyon and were curious if a National Historic Landmark was considered, if not, why not, and considered and rejected what is the rationale for not doing that. Mr. Willis commented this thing may be wonderful and hope we have a great product here, but feels its worthy of some more consideration. Mr. Willis presented his written comments to be added to the minutes. (*see attached comments*)

Chairman Richard Tatton called the comment period over and asked the Planning Commission members if they want to make a recommendation on this.

Tom Paluso asked if there is any problem if the board delays this as Mr. Willis suggested.

Christian Bryner and Rex Sacco responded there is a deadline for Congressman Bishop and if delayed, the Public Hearing will not go forward and therefore Carbon County would not be included in the Public Lands Initiative.

Dave Levanger stated it would be up to the Commissioners and reminded all that going before the Planning Commission is not legally required, but felt it was appropriate for the public.

Rex Sacco added he understood Mr. Willis' comments but felt that everything that was stated by Mr. Willis could be considered by the Commission at the Public Hearing if the Planning Commission recommends this

today.

Tom Paluso made a motion to approve the recommendation to Board of Commissioners for designation of lands as per Representative Bishop's Public Lands Initiative.

R.D. Campbell seconded

By unanimous decision, motion carries

Adjourn

Meeting adjourned by common consent at 5:10 PM



Richard Tatton, Chairman

Dennis & Terry. Willis
941 Wadleigh Lane
Price, Utah 84501
(435)637-3675

3 March 2015

Carbon County
Planning and Zoning Board

Dear Board Members:

You have before you tonight a proposal for Carbon County's submission to be included in Representative Rob Bishop's PLI (Public Land Initiative).

This action is probably the most serious and important decision ever made by this board. The destiny of this proposal is to be the County's request to have it implemented by Act of Congress. This means we must get it right. If in two or 20 or 100 years we find items that were a mistake or times have simply passed them by; it can only be corrected by a future Act of Congress; an uncertain and unlikely process. The Planning and Zoning Board, County Commission nor the BLM will be able take action contrary to what is in the PLI. You are giving up your ability to adapt to changing times and to correct mistakes.

The proposal you are considering was drafted by a small, exclusive committee, largely in secret. There has been no opportunity for public input or review prior to tonight's meeting. Local individuals and groups with interests in conservation, non-motorized recreation and cultural resources requested the opportunity to participate in the development of the proposal. They were denied the opportunity by the County Commission.

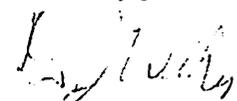
Just one brief example of the kinds of issues I would like to see addressed: The Nine Mile Canyon Coalition and many in the cultural resources community would like to see Nine Mile Canyon designated as a National Historic Landmark (NHL). Was NHL designation considered? If not why; why not. If NHL was considered, what was the rationale for not pursuing it?

The proposal may be wonderful and perfect. I don't know that and neither do you. A decision of this magnitude simply demands public review, comment and support.

I am not here to ask you to vote down the proposal. I do request you make the proposal available for a reasonable period of time to allow public review and comment. There are very likely alternative actions that were not considered in the process thus far. I would suggest you advertise and announce availability of the proposal and make it available for a 30 day public comment period.

Thank you for your consideration.

Sincerely yours,



Dennis J. Willis