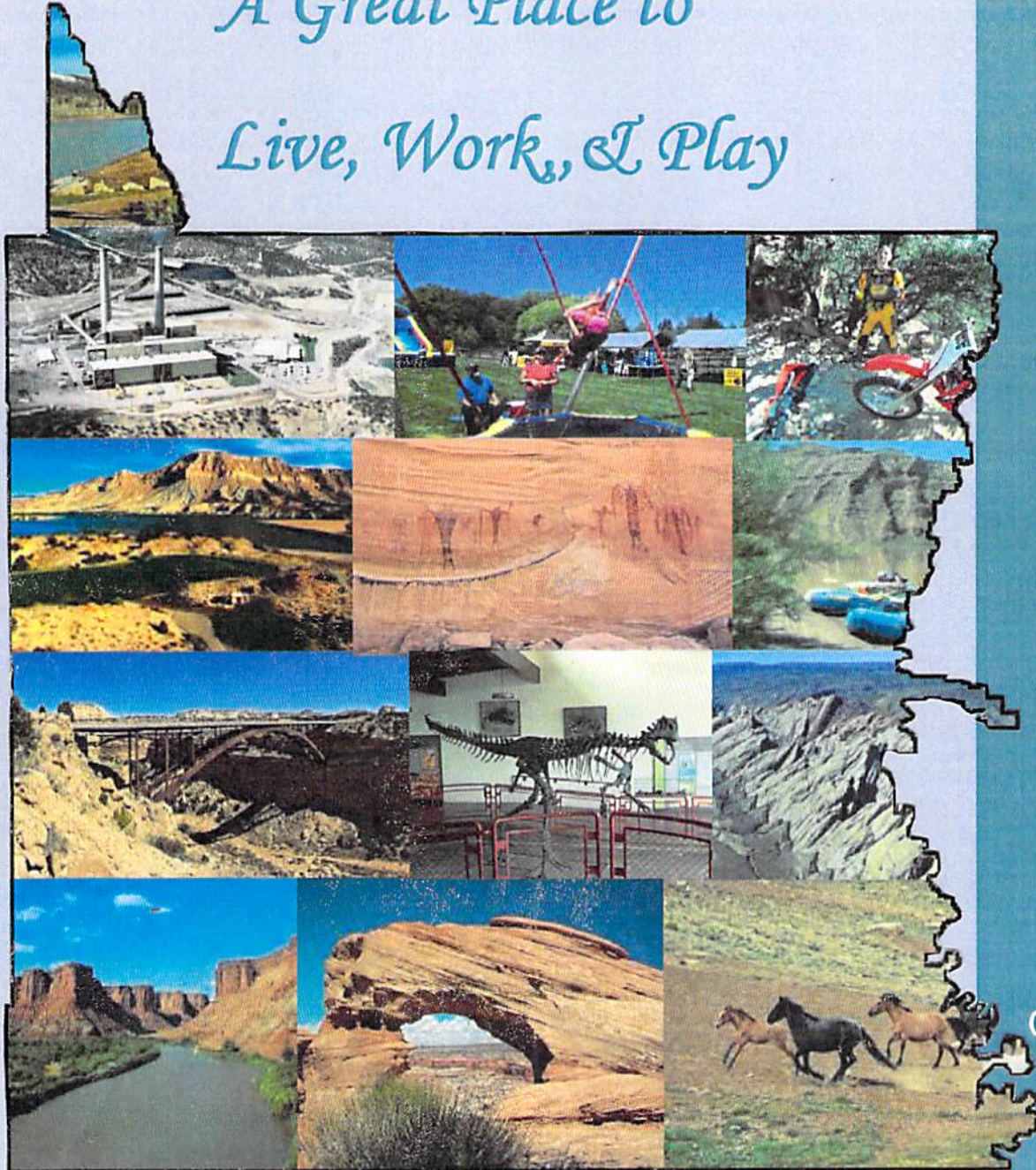


*A Great Place to
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Planning
Commission

Adopted Autumn 1996

Revised

1999

2012

2016



Emery County General Plan

County Policies, Objectives, and Action Steps

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TABLE OF CONTENTS

1. Introduction	1
2. Historical Background	1
3. Scope	2
4. General Plan and Purposes	3
5. Using and Amending the Emery County Plan	3
6. Community Vision	3
6.1 Maintaining Emery County's Rural Character	3
6.2 Public Lands/Federal and State Agencies	4
7. Human and Community Services	5
7.1 Education	5
7.2 Emergency Services/Law Enforcement	5
7.3 Medical Facilities	6
7.4 Senior Citizens Services	6
7.5 Moderate Income Housing	6
7.6 Moderate Income Housing Goals (Findings), Objectives and Policies	6
8. Resource and Asset Management	8
8.1 Transportation	8
8.2 Archaeological/Cultural Resources and Facilities	8
8.3 Preservation of Cultural and Historical Heritage Resources	8
8.4 Water Resources	8
8.5 Emery County Policy-Public Lands, Federal and State Agencies	9
8.6 State Trust Lands (SITLA, UDWR, Sovereign Lands)	10
8.7 Mineral and Energy Resource Extractions	10
8.8 Multiple-Use	11
8.9 Action/Implementation Steps (Policies & Guidelines)	12
8.10 Emery County Policies – Private Land Use and Development	13
8.11 Open Space/Agricultural Land Preservation	13
8.12 Industrial Zoning	13
8.13 Residential Living	13
8.14 Mining, Grazing and Recreational Zoning	14
8.15 Economic Development	14
8.16 Recreation and Tourism	14
8.17 Business Expansion and Retention	15
8.18 Small Business Assistance	15
8.19 Value-Added Agricultures	15
8.20 Telecommunications	15
8.21 Position Statement (Findings) of the Emery County Travel Bureau	16
8.21.1 Tourism Promotion	16
8.21.2 Tourism Mitigation	16
9. Public Lands	17
9.1 Agriculture	17
9.2 Livestock Grazing	18
9.3 Air Quality	19
9.4 Fire Management, Protection and Prevention	20
9.5 Forestry and Forest Products	21
9.6 Heritage Resources	22
9.6.1 Native American Culture	24
9.7 Invasive Species, Noxious Weeds, Predator Control, and Pest Management	24
9.8 Mining and Mineral Resources	25

9.9	Biological Resources	25
9.10	Recreation	26
9.10.1	Camping	27
9.10.2	Funding	28
9.10.3	Planning	28
9.10.4	Snowmobiles	28
9.10.5	Other Winter Sports	28
9.11	Special Designation Lands	29
9.11.1	Areas of Critical Environmental Concern (ACEC)	31
9.11.2	National Monuments	31
9.11.3	Wild & Scenic Rivers and Proposed Wild and Scenic Rivers	31
9.11.4	Wilderness and Wilderness Study Areas	32
9.11.4.1	Adjacent Private Land and Land Management	33
9.11.4.2	Cultural and natural Resource Management	33
9.11.4.3	Equestrian	33
9.11.4.4	Grazing	34
9.11.4.5	Hunting, Fishing, and Trapping, and Wildlife Management	35
9.11.4.6	Mineral Rights and Claims	36
9.11.4.7	Purity Doctrine	36
9.11.4.8	Recreation	36
9.11.4.9	Trails & Transportation	37
9.11.4.10	User Amenities	38
9.11.4.11	Water Rights	38
9.11.4.12	Wilderness Study Areas	38
9.12	Transportation and Access	39
9.13	Water Resources	41
9.13.1	Emery County Policy	41
9.13.2	Water Quality and Quantity	42
9.13.3	Water Rights/Allocation	44

APPENDICES

Appendix A - Emery County Transportation System	53
Appendix B - Emery County's Position on "Purity Doctrine"	54
Appendix C - Alternative 'E' Areas – 2007 Addendum	55
Appendix D - San Rafael River and Muddy Creek Watersheds Study	247
Appendix E - UDWR General Information on Wildlife, Threatened, Endangered, and Sensitive Species, and Predator Management	831

EMERY COUNTY GENERAL PLAN

1. Introduction

Utah State Statute provides for the development of county level plans under Title 17-27a-301 and 401 *et seq.* Components which may be addressed within these plans include: land use, transportation, environmental issues, public services and facilities, rehabilitation and redevelopment, economic concerns, recommendations for plan implementation, and "any other elements that the County considers appropriate". The county plan contains a resource management plan as defined by UCA 17-27a-401(3)(a) and (b). In its plan, Emery County has focused on issues identified by County residents during several public work sessions. These issues are addressed in the Plan through County "Value/Goal" Statements (Findings). Issues identified as "County priorities" (Objectives) are further developed through "County Policy Statements" and "Action and Implementation Steps" (Policies and Guidelines).

As part of Emery County's mid-1990s planning project, the *Emery County Profile* was prepared. That document contains information, data, and maps covering County demographics, economics, land use, history, and public facilities and services. The document will remain a valuable resource for Emery County officials, County residents, and persons interested in the status of Emery County.

2. Historical Background

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

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

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

As originally established, Emery County included areas that later became Grand County (1890) and Carbon County (1894).

Settlers established irrigated farming and ranching operations, but the population remained small until the routing of the railroad reached Emery County and profoundly impacted regional development. Coal production expanded rapidly in the late 1800s but Emery County remained primarily a farming and stock raising area with residents working in the mines in the off-seasons. Shortly after the turn of the 20th century Emery County reached an economic plateau when all the water had been appropriated and the region seemed to be reaching its carrying capacity. The City of Green River continued to grow, establishing a strong agricultural base in melon production.

The demand for coal during World War II stimulated the development of several mines in the County. After the war, between 1950 and 1970, was a time of economic stagnation and decline. The uranium boom and missile tracking facility built in Green River gave a temporary lift to the County. With the completion of the Emery County Water Project, Emery County finally had a stable industrial water source which was crucial to Utah Power and Light Company's decision to build two major generating plants in the County. But recent years have found the County in another economic dilemma. Recent national and global trends and political actions, affecting coal mining and coal powered electricity generation, are causing a critical need for greater economic opportunity diversification in the county. Prospects are bright, however, for well-planned and well-managed recreational development and some degree of continuation of present industries, combined with innovative new industries and businesses and the established agricultural base, Emery County will persist and prosper with its rural spirit and the work ethic of its citizens.

3. Scope

The area encompassed by this plan is the entire area of Emery County, approximately 2.8 million acres. Approximately ninety-two percent of this area is public land administered by federal and state agencies. The Bureau of Land Management's Price Resource Area and the United States Department of Agriculture's Price and Ferron Ranger Districts of the Manti-LaSal National Forest are located at least partially within Emery County. State-owned public lands within the County are managed by the State of Utah School and Institutional Trust Lands Administration (SITLA), the Utah Division of Forestry, Fire and State Lands, Utah Division of Wildlife Resources, and the Utah Division of State Parks. Due to the County's dependence on public land and the accompanying resources, it is extremely important that County input be considered by federal and state agencies and reflected in the resource management plans that are developed for these lands and resources. It is the intent of Emery County that this Plan clearly and concisely establishes the County's findings, objectives, policies and guidelines in accordance with UCA 17-27a-401(3). This document will be used by the County and federal and state public land management agencies during public land planning efforts and decision-making processes.

The incorporated cities and towns within Emery County each have a statutory responsibility to draft, prepare and approve General Plans in accordance with State Law. Therefore, this document does not supersede the individual plans of the incorporated communities. Instead, it is the intent of Emery County to have this General Plan serve as a catalyst and guide for the individual communities to ensure that proper planning activities are followed throughout the county. Emery County will work with the local communities to develop best planning practices countywide.

4. General Plan Purpose and Process

Under Utah state law (UCA 17-27a-401), a county's general plan should address certain social, economic, and environmental needs and issues. This plan establishes the basis for communicating and coordinating with federal and state government entities on land and resource management issues.

State Law also requires public participation. These County "Value/Goal" Statements (Findings), County Objectives (Priorities), and "County Policy Statements" and "Action Implementation Steps" (Policies and Guidelines) are formally presented to the citizens of Emery County through this plan. As outlined in Utah State statute, this Plan has been subject to Planning Commission and County Commission review and adopted through the open public process and hearings.

5. Using and Amending the Emery County General Plan

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

6. Community Vision

6.1 Maintaining Emery County's Rural Character

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

Specific Elements include:

- protecting/preserving the County's open spaces and landscapes with planned development;
- continuing to support and actively develop the energy industry that has served as the economic backbone of the county for over a century;
- maintaining the quality of current public services, tax base, and facilities through proper planning practices;
- ensuring that development decisions are sensitive to the needs of all parties within the county, including agricultural, commercial, industrial, residential, and governmental;
- maintaining our public land heritage, historical uses, accessibility, and involvement in planning and management decisions;
- maintaining zoning ordinances and development regulations that are consistent with the County's General Plan development goals and with State laws and administrative rules; and
- maintaining and expanding economic vitality and opportunities in a manner consistent with this plan.

6.2 Public Lands/Federal and State Agencies

Approximately ninety-two percent of Emery County is comprised of public land managed by federal or state agencies. County industries such as agriculture, mining, tourism, gas and oil development and recreation depend on the continued use and availability of these lands and their accompanying resources for economic growth and stability. Emery County acknowledges the existence of federal laws such as the Endangered Species Act, the National Environmental Policy Act, and the Federal Land Policy and Management Act under which federal land managers/agencies must work; as well as State statutes, regulations and rules which define State agencies responsibilities regarding State managed land and resources (i.e. the Utah Forest Practices Act, UCA 65A-8a-*et seq.*) However, these laws also specifically identify opportunities for local governments to participate in public land management decision-making processes. The County expects that federal and state agencies will consider and address the County's concerns, interests, and objectives as stated in the County's General Plan when fulfilling their responsibilities.

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

- actively participate in all relevant State and Federal public land management decisions by serving as a cooperating agency in land use planning processes;

- support multiple-use management by the BLM and USFS in their properly adopted management plans;
- support continued access to natural resources including but not limited to coal, natural gas, uranium and gypsum;
- support continued access and development of lands managed by the School and Institutional Trust Lands Administration (SITLA) and other state lands;
- support responsible use of public land resources; and
- work to preserve and maintain public land access routes as adopted in the county travel plan.

7. Human and Community Services

7.1 Education

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

7.2 Emergency Services/Law Enforcement

Emery County is dedicated to maintaining the professional nature of its emergency services/law enforcement personnel and agencies. The County supports emergency planning to prepare for any potential disaster. Emergency management responsibilities for the County are under the jurisdiction of the Emery County Sheriff's Office. The Mission of Emery County Emergency Management is to "Provide leadership and support to prevent or minimize the impact of major emergencies and disasters on the health, safety, and property of the citizens of Emery County, their businesses and environment, through a comprehensive, integrated emergency management program." The Emery County Emergency Operations Plan (EOP) has been developed to address multiple hazards which threaten the County or its citizens (Emery County Emergency Operation Plan, October 2014). The EOP is incorporated into this General Plan through reference. Additionally, Emery County has an active Local Emergency Planning Committee (LEPC) and an Emergency Management System (EMS) website, accessible at www.emerycounty.com/ems/, or from the Emery County Homepage. The EMS website provides links to Utah Department of Public Safety Emergency Management, Emery County Fire Protection Special Service District, as well as Potential Hazard Maps, including flood plains, earthquakes, and landslides.

If a disaster occurs which exceeds local and state efforts to cope with the direct results, Emery County will obtain federal assistance through the Federal Emergency Management Agency (FEMA) Public Assistance Program.

7.3 Medical Facilities

County residents desire and need to maintain a high level of health care. The County supports upgrading and expanding County medical facilities and services at all possible locations according to demographic demands and economic feasibility.

7.4 Senior Citizen Services

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

7.5 Moderate Income Housing

Section 17-27a-401(2)(f) of the Utah State Code establishes the availability of moderate income housing as a statewide concern, and it directs counties to propose a plan for moderate income housing as a part of their general plans. "Moderate income housing" is defined as housing that is affordable for households with gross incomes equal to or less than 80 percent of the median gross income of the county, or in other words, 80 percent of the Area Median Income (AMI). Median incomes are established by the U.S. Department of Housing and Urban Development (HUD) for the county, based on household size.

Guidelines also state that no more than 30 percent of a household's income should be spent on housing costs, including utilities. Additional guidance is provided at Section 17-27a-403(2)(a)(iii) and (2)(b)(ii). The purpose of the statute is to ensure that people with moderate incomes who desire to live in the state can do so. The Emery County Housing Authority has been established in an effort to offer reasonable opportunities for those persons with low or moderate incomes to obtain housing in the county and to fully participate in all aspects of neighborhood and community life during all stages of their lives. Information regarding Housing Authority policies and procedures is available at <http://www.emerycounty.com/housing/>.

7.6 Moderate Income Housing Goals (Findings), Objectives and Policies

GOAL: Provide a mix of housing types across the full spectrum of income ranges throughout the county

OBJECTIVE 1: *Support a mix of quality housing opportunities to support economic development efforts.*

POLICIES:

1. Promote and maintain a range of housing types and affordability.
2. Promote upgrading of and reinvestment in existing housing stock and neighborhoods.
3. Encourage multifamily residential and higher-density single-family development to occur within cities when feasible.

OBJECTIVE 2: *Encourage and monitor the availability of affordable housing*

POLICIES:

1. Collaborate with municipalities and the Southeastern Utah Association of Local Governments (SEUALG) to promote affordable housing.
2. Support the development of viable opportunities for affordable housing and home ownership through alternative housing products.
3. Maximize the utilization of state and federal assistance programs designed to assist low income and moderate income individuals.
4. Work with local financial institutions to promote low income and moderate income financing opportunities for construction and acquisition of housing.

OBJECTIVE 3: *Encourage the development of housing units suitable for people with special needs, such as, but not limited to, the elderly and disabled.*

POLICIES:

1. Monitor housing development for the Americans with Disabilities Act (ADA) and Fair Housing Law Compliance through the County's development review process.
2. Work with other jurisdictions (local, state, and federal) as well as the private and nonprofit sector to leverage resources to address special needs countywide.
3. Consistently enact and enforce building codes that keep all residential construction in compliance with current codes.

OBJECTIVE 4: *Promote quality residential development in well-designed subdivisions.*

POLICIES:

1. Establish criteria for manufactured and modular housing to promote placement in a wider array of zoning districts.
2. Enforce codes and ordinances to ensure maintenance of neighborhood integrity as the housing stock ages.

3. Enforce subdivision designs that protect environmentally sensitive areas or unique property characteristics.
4. Facilitate well planned expansion of city boundaries and the appurtenant infrastructure requisite for essential services, as the need develops.

8. Resource and Asset Management

8.1 Transportation

The County's position is that roads should be upgraded and improved to allow more convenient routes that are passable in all types of weather. The County recognizes three primary types of roads or transportation networks. These include federal roads and designated routes, state roads and routes, and the Emery County road system.

The County has adopted an airport plan. This document includes recommendations for expanding, upgrading, and maintaining the existing facilities. It is anticipated that this document will be updated as required. The complete Emery County Transportation System is defined in Appendix A.

8.2 Archeological/Cultural Resources and Facilities

Emery County has an abundance of prehistoric and archeological resources as well as a strong cultural heritage. Emery County's past, including dinosaurs, Native Americans, early settlers, and the mining industry, is proudly displayed and depicted in numerous museums and points of interest. Emery County will work with state and federal agencies to protect these resources.

8.3 Preservation of Cultural and Historical Heritage Resources

Emery County views the preservation of its heritage and culture and its associated heritage and tourism industries, as a critical part of the planning process. The preservation of heritage and cultural resources, including access to the sites and settings of local history, has great significance for the citizens of Emery County. The County works closely with the Division of State History and Utah State Archives; serving as a Regional Repository for the State Archives. Additionally, the county has an active Historical Society, and a Historic Preservation Commission, established in accordance with State Statute.

8.4 Water Resources

Adequate water quality and availability is the lifeblood of Emery County and is necessary for current and future residential, industrial, commercial, agricultural, and recreational development. Emery County will protect this valuable resource by promoting watershed protection measures and supporting the efficient management and use of water resources. Protection measures will include a "no net loss of watershed" efficiency policy specific to areas upstream from communities, typically on Forest Service

managed land. The County supports full development of the State of Utah's Portion of the Colorado River Allotment through adoption, implementation of water storage, distribution, and conservation plans and projects by State water management agencies, irrigation companies, industrial users, and municipalities. The County supports protection of private water rights from federal and state encroachment and/or coerced acquisition. Emery County asserts that efficacious access is crucial for the management of the area's water resources, and the county expects the managing state and federal agencies to facilitate such access. Appendix D, San Rafael River and Muddy Creek Watersheds Study, presents a comprehensive discussion of Emery County's water resources.

8.5 Emery County Policy- Public Lands, Federal and State Agencies

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

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

- actively participate in all relevant public land management decisions;
- show continued support for multiple-use management of BLM, USFS, and State lands;
- support responsible use and protection of public land resources;
- work to preserve and maintain public land access routes, such as those recognized in legitimate land planning processes such as resource management plans, travel management plans and the County's Transportation Plan; and
- support these efforts through the Emery County Public Lands Council and the staff position of a Public Lands Administrator.

It is the intent and purpose of the Emery County Public Lands Council to aggressively preserve the community heritage of Emery County by vigorously participating in and influencing all public land planning and decision-making processes on behalf of, and under authority of the Emery County Commission.

The Public Lands Council will be a forum for open and positive discussion of natural resource/public land issues. County responses to proposed plans and

recommendations for future policy will be well thought-out. Where applicable, conflicts between the County and land management agencies will be resolved at the county level.

8.6 State Lands (SITLA, UDWR, Sovereign Lands)

Emery County will become actively involved in any effort to influence management of Utah School and Institutional Trust Lands Administration (SITLA) lands, Utah Division of Wildlife Resources (UDWR) lands, and Utah Sovereign Lands managed by the Utah Division of Forestry, Fire & State Lands (FFSL) within Emery County. The County will become involved in any future processes for the exchange of SITLA lands and also to achieve a reasonable and balanced management strategy. The County has cooperated and coordinated with UDWR on habitat improvement projects on the Division's lands, and will continue to do so in the future. The State of Utah recognizes and declares that the beds of navigable waters within the state are sovereign lands and are owned by the State. The Utah State Legislature has designated FFSL as the executive authority for the management of sovereign lands, and the State's mineral estates on lands other than SITLA lands. Sovereign lands are defined by the Utah State Legislature as "those lands lying below the ordinary high water mark of navigable bodies of water as of the date of statehood and owned by the state by virtue of its sovereignty." The State of Utah currently claims ownership to portions of the Green and Colorado Rivers. The sovereign portion of the Green River within Emery County begins at the Southeast corner of the county boundary and continues upstream to Swasy's Rapids, near the center of Section 3, T20S, R16E SLB&M; approximately 87.5 river miles. The County recognizes and supports the FFSL Mineral Leasing Plan for Sovereign Lands on Green And Colorado Rivers, adopted August 7, 1998; Amended January 17, 2012.

8.7 Mineral and Energy Resource Extraction

Emery County supports development of extraction industries. In practice, this is accomplished through a thoughtful and consistent application of the Conditional Use Permit process. Emery County recognizes the development rights associated with mineral leases and acknowledges the importance of these resources to local, State, and national economies. Emery County also recognizes the potential impacts on the landscape, subsurface, and overall environment associated with these developments, which may impact traditional uses such as roads, watershed, livestock grazing, wildlife habitat, view sheds, hunting, and recreational activities, and aquifers. Other concerns include noise pollution, dust control from roads and surface disturbances, the handling of saline and otherwise contaminated water, mine refuse, and coal ash; their disposal; and safety concerns from potential dangers like escaping gases and/or fires and explosions. Recognizing that regulations exist which address minimization of and mitigation; including bonding, for impacts, Emery County expects compliance from the industry and the various government entities in minimizing, mitigating, and compensating for impacts of industrial activities; including exploration, extraction, development, production, and

transport. Emery County also expects that a high priority be given to assurances and commitments, in the form of contractual and bondable guarantees, for reclamation of all disturbances (both surface and sub-surface) prior to the issuance of any permits and/or authorizations.

Although, according to U.S. Department of Energy National Energy Laboratory (NREL) Utah Renewable Energy Resource Maps, renewable energy resources in Emery County are very limited, the County supports responsible development of such resources to the extent possible. Wind and Solar resource development costs have dropped dramatically in the last several years. Due to the advancements in technology, better forecasting, and better controls, wind and solar energy can be economically developed in areas not previously thought possible. Wind turbine technologies continue to improve and turbines are now able to generate economically competitive electricity in lower wind speed areas.

Recent national and global trends and political actions, affecting coal mining and coal powered electricity generation, are causing a critical need for greater economic opportunity diversification in Emery County. Therefore, the County will explore opportunities for diversifying economic drivers within the county as such opportunities arise; including traditional and emerging innovative industrial, manufacturing, production, extraction, and service-providing arenas. This includes traditional energy production and development, as well as renewables, such as wind, solar and yet-to-be-developed energy production at large and small scales, for generating electricity for sale or for the use on site, on public and private lands throughout the county. The County will establish policies, guidelines, and/or goals, as necessary, to support the development of such economic drivers, on public and private lands in the county. Additionally, Emery County will, to the extent possible, pursue opportunities for cooperation on a regional level for coordination of development of renewable energy resources, and other industries. The County is aware of recent wind energy developments in San Juan County, northwest of Monticello, and has expressed the County's interest in having the project developers assess the potential for a similar project in Emery County.

8.8 Multiple-Use

Emery County's position is that public land should be managed under the "multiple-use and sustained yield" concept. Emery County's definition of multiple-use includes, but is not limited to, traditional consumptive and non-consumptive uses such as grazing, all-season recreation, timber harvest, wilderness, mining, oil/gas exploration and development, agriculture, wildlife, hunting, fishing, camping, historic and prehistoric cultural resources, and watershed. Single-use management is only acceptable when its need has been legitimately documented such that relevancy to Emery County is conclusive.

County industries such as agriculture, timber, grazing, tourism, and mining depend on the continued use, and availability of access to public land and its resources. Because decisions to alter the management, access, and use of these resources directly impact

County interests, Emery County will be an active partner in the preservation, protection, and prudent management of our natural resources, including local cultural and heritage resources. Emery County recognizes the urgency for properly focused planning and coordination among the various entities during resource management decision-making processes and to address increasing demands on public lands. These resources may be lost if appropriate actions and programs are not implemented. To help accomplish this goal, the County has established a series of Memoranda of Understanding (MOUs) between Emery County and the Bureau of Land Management, the U.S. Forest Service, the Utah School and Institutional and Trust Lands Administration, and the Utah Department of Natural Resources. Said MOUs are available at the Office of the Emery County Clerk/Auditor.

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

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

8.9 Action/Implementation Steps (Policies & Guidelines)

The County will actively participate in federal and state land management decisions by coordinating and cooperating in discussing public land issues/problems and possible solutions with land managers and other stakeholders. To the extent allowed by state and federal laws and local laws and ordinances, the County will participate as a cooperator and stakeholder and will represent the interests as listed in this General Plan. The County will adhere to the memoranda of understanding that have been established with land management agencies and will follow up with those agencies to ensure they follow the management plans that have been approved.

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

8.10 Emery County Policies - Private Land Use and Development

Emery County supports developing, adopting, and implementing the land use and development regulations necessary to maintain and protect the County's existing rural character and scenic environment. The Planning process shall include, but is not limited to:

- watershed protection (addressed in Water Resource section)
- open-space/agricultural land preservation
- adequate industrial and commercial zones
- appropriate residential planning processes
- administration of Conditional Use Permit process for all activities
- consistent application and enforcement of building codes

8.11 Open Space/Agricultural Land Preservation

The County recognizes the value of preserving agricultural land as well as the natural open space that defines the county as a truly unique landscape. As a result, the county will continue to adopt policies and zoning ordinances that reinforce this ethic. This will be balanced with a reasonable growth focused approach that recognizes the value of expanded residential and commercial development in the county.

8.12 Industrial Zoning

The County's position is that the existing zoning ordinances should include an appropriate number of industrial zones. The ordinance should clearly identify the purpose of each zone, the permitted and conditional uses allowed, and the appropriate level of county staff or planning commission review necessary for approval.

8.13 Residential Zoning

The County recognizes the need for residential development in the unincorporated portions of the county and that such development should compliment the uses within the cities. Residential uses are a conditional use and do not supersede permitted or other conditional uses within the individual zones.

As an example, in the Agricultural zone, the primary, permitted activities are agriculture, grazing and related activities. Residential activities will be permitted so long as the activity does not create conflicts with existing agriculture activities.

8.14 Mining, Grazing and Recreational Zoning

The majority of the private land within Emery County is surrounded by State or Federally managed land. In order to preserve the character of the sensitive private in-holdings, the Mining, Grazing, and Recreation zoning designation will be used to provide a mechanism to facilitate vastly different uses. Within this zone, the primary activity will be mining, mineral extraction, forestry, grazing, and recreation. Other activities may be allowed under an established and well defined conditional use process as deemed appropriate. Uses such as a permanent residential housing are not primary activities in this zone and will be discouraged. Recreational homes, however, are in keeping with the intent of the plan.

8.15 Economic Development

In addition to maintaining a strong economic base related to mineral extraction, energy, coal mining, gas and oil development and power production, Emery County strives to diversify its economy and build a broad employment and industry profile. The County will explore opportunities for diversifying economic drivers within the county as such opportunities arise; including traditional and emerging innovative industrial, manufacturing, production, extraction, and service-providing arenas. This includes traditional energy production and development, as well as renewables, such as wind, solar and yet-to-be-developed energy production at large and small scales, for generating electricity for sale or use on site, on public and private lands throughout the county. The County supports expanding businesses through a number of economic development plans and small business assistance programs. The County will continue these efforts. The County desires to expand and support retail businesses within the County. The County supports economic development in all areas of the county and will actively work to promote opportunities.

The County supports wise utilization of all existing and potential (i.e. renewable energy, rare earth elements) natural resources within the county. This will be accomplished in accordance with proper planning processes and adequate and effective opportunities for public input.

The County seeks and supports jobs that are family sustaining and that have positive environmental, social, and public service impacts.

8.16 Recreation and Tourism

Because of its unique and varied landscape, Emery County provides a number of diverse recreational opportunities.

The County has, and will continue to implement promotional and infrastructure practices that mitigate recreational impacts and will consider policies to address

impacts as they occur. When evaluating potential recreational developments and investments the County will consider but not limited to:

- the County's ability to provide essential services (law enforcement, emergency services, water and waste management, search and rescue);
- impacts on traditional recreational uses (example: OHV trail development at the expense of traditional hiking or riding trails.);
- providing opportunities for youth and family-related activities.;
- targeting sectors of the tourist population for additional economic benefits; and
- making all appropriate facilities consistent with ADA requirements.

8.17 Business Expansion and Retention

The County supports business through a number of economic development plans and small business assistance programs and will continue these efforts. The county recognizes the value of a regional approach to economic development and will continue to support regional economic development programs that extend beyond Emery County borders when it can be demonstrated that the county can benefit from these initiatives. This includes potential regional renewable energy resource development.

8.18 Small Business Assistance

County residents feel that additional economic growth will come from within the County and from the small business sector. County entrepreneurs have several resources available for assistance including the Emery County Economic Development Department, neighboring colleges and universities, and State Economic Development Resources.

8.19 Value-added Agriculture

County residents feel that local agricultural operations produce high quality agricultural products. The County feels that this agricultural strength should be further developed. The County expresses an interest in pursuing "value added agriculture" options as a subsection of business expansion and retention.

8.20 Telecommunications

Adequate telecommunications technology is vital to the future of Emery County. Technology will increasingly affect numerous aspects of life in rural Utah, including business, employment opportunities, education, health care, banking and finance, government services, and entertainment.

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

8.21 Position Statement (Findings) of the Emery County Travel Bureau

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

Tourism efforts in Emery County will focus on each of the following areas but not limited to:

- Tourism Assessment
- Promotion
- Impact Mitigation
- Industry Development

8.21.1 Tourism Promotion

Emery County seeks to promote developed tourism sites and events throughout the County as well as promotion of undeveloped sites such as the Black Dragon, the Green River, and the Wedge Overlook. The Emery County Travel Bureau will be responsible for promoting these areas and will work to coordinate its efforts with federal, state and regional agencies involved in promotion.

8.21.2 Tourism Mitigation

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

- Cost of providing services, including maintenance of roads and trails
- Degradation of natural, cultural and archaeological resources
- Negative impacts on local quality of life

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

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

The scenic and recreation attractions contribute to the quality of life in Emery County. Several significant attractions have the potential to attract many visitors, but as visitation increases, there will be unavoidable impacts and conflicts. The county will work to develop plans and policies to minimize these conflicts, while promoting tourism.

9. Public Lands

9.1 Agriculture

Agriculture is important for the environmental, cultural, social and economic benefits it provides. Agriculture successfully balance those benefits and continues to be a valuable source of jobs and income in Emery County.

Agriculture in Emery County provides jobs, a local tax base, a variety of environmental benefits, scenic beauty, food and fiber for human consumption and fuels management through controlling the amount and distribution of grasses and removing small diameter live fuels that encourage the spread of fire and increase flame height.

Properly managed agriculture practices also provide public benefit, i.e. creating and maintaining habitat for wildlife, visually appealing working landscapes, water for urban, industrial and agricultural users, soil stabilization, and desirable wildland vegetation communities which, in turn, serve to reduce the potential for catastrophic wildland fires.

It is the policy of Emery County to actively promote and protect working landscapes, i.e. farms, ranches, and actively managed public lands.

The Emery County Public Lands Council finds that:

1. Working landscapes and agriculture in Emery County should be preserved and enhanced on both private and public lands;
2. The customs, culture and heritage associated with agricultural production in Emery County are necessary to the livelihood and well-being of its citizens;
3. The County is committed to protecting historic uses of agricultural land and promoting the continuation and expansion of agricultural pursuits. To achieve this, the County supports active multiple-use management of federally and state-managed lands, continuation of private property rights, reliance on self determination, and upholding open market conditions;
4. Opportunities for agriculture on federal and state lands should be continued at levels consistent with historic customs and culture. Further, those levels should be sufficient to ensure protection against catastrophic fire and to ensure sound resource management practices, and sustained yield renewable resources; and

5. Federal and state governments should not obstruct agricultural opportunities on lands they manage or regulate.

9.2 Livestock Grazing

Livestock grazing on public land should be managed and regulated by state and federal agencies so as to maintain and enhance desired plant communities for the benefit of watershed, wildlife, water quality, recreation, and livestock grazing as required by the applicable land use plans. Such management should be developed specifically and individually for each public lands grazing allotment in order to achieve the desired result throughout the County.

A viable rangeland livestock industry must be protected as an essential component of our County's economy, history, culture, customs, and traditions, and is vital to the economy of affected communities. Good grazing practices are a necessary part of maintaining rangeland health, and assist in reducing potential fire danger by keeping fuel loading to a minimum.

In order to comply with multiple use concepts no individual resource value should be given priority in vegetation management decisions. The Council requests that federal and state agencies coordinate with the Council (or it's officially designated subcommittees) on matters affecting livestock grazing and farming on all federal and state managed and regulated lands.

The Council also establishes the following policies:

1. Transportation of livestock and equipment necessary for their effective management should be allowed over federal, state, and other roads and highways within the County and on public lands.
2. Open range conditions should exist on active grazing allotments behind allotment boundaries in alignment with the historic nature of grazing management on open range. Livestock may be on County roads crossing both public and private property within active livestock management practices.
3. Emery County recognizes historic cattle movement on public lands and the nuisance it may pose to private property owners and the general public within public lands and allotment boundaries, and recognizes the need for private property owners and ranchers to work together to minimize that nuisance. Private property owners adjacent to active cattle allotments and established, historic trail corridors should hold permittees harmless for common grazing behavior and the agencies should not require permittees to restrict cattle movement while on said range i.e. fencing, corralling, etc.

4. Emery County desires to protect the traditional uses, appearance, existence, maintenance, and enhancement of structures and other improvements supportive of, or within grazing allotments due to their critical importance to permittees. Such structures and improvements include but are not limited to cabins, corral facilities, fences, cattle guards, and developed watering facilities (including in Wilderness and other special designation lands). All structures and improvements are essential to the management of grazing land allotments and should be permitted to be maintained in good working order for their ongoing use. Agencies should recognize common maintenance practices may include motorized access to structures and improvements as well as the use of motorized equipment to perform maintenance activities (including in Wilderness and other special designation lands).
5. The County strongly opposes unilaterally imposed or unrealistic increases in Grazing fees since they could seriously affect the ranching community and could hurt businesses that are linked to the ranching industry.
6. Agencies should coordinate with the Lands Council (and any officially identified subcommittee) on matters affecting livestock grazing and farming on all federal and state managed lands and regulated resources.
7. Agencies should consider establishment of grazing advisory boards.

Guidance Documents for Livestock Grazing on Public Lands within Emery County:

- Taylor Grazing Act
- Price Field Office Resource Management Plan, 2008

9.3 Air Quality

Emery County enjoys extremely good air quality and seeks to achieve and maintain all state and federal air quality standards while recognizing economic and environmental impacts and working with the federal and state agencies through the following policies:

1. The County recognizes that one of the threats to the County's air quality is catastrophic wildfire and encourages agencies to enact programs that allow prescribed burning, forest improvement techniques such as forest thinning, pruning, and removal of brush and insect-killed trees, and other methods for reducing fire hazard that ultimately protects air quality.
2. Agencies should provide for the continuation of agricultural and prescribed burning as a resource management tool in accordance with air quality regulations.
3. Agencies should establish forest management programs that encourage fuel reduction of forests and wildlands by means other than burning, utilizing all means of

fuel reduction including but not limited to: logging, forest thinning, and chipping, brush mastication, livestock grazing, herbicide use, and public firewood utilization.

4. Agencies should provide for an increased air quality monitoring network that encompasses public and private lands to collect accurate real time measurements of pollutants to support prescribed burning activities and assess the public's exposure to ambient air pollutants such as particulate matter and ozone.
5. Regarding regional haze concerns, Emery County emphatically refutes the contention, made by some, that the Huntington and Hunter Power plants are significant contributors to regional haze. The County supports the currently amended (2015) Utah State Implementation Plan (SIP).

9.4 Fire Management, Protection and Prevention

Fire protection services within the County are provided through the Emery County Fire Protection Special Service District in coordination with several agencies representing federal, state, and local jurisdictions, with the assistance of the County's residents serving as volunteer firefighters. Some areas of the County are comprised of forested ecosystems, including Pinion/Juniper stands in the lower elevations up through the pines, fir and aspen at the higher elevations. Drought, dense forest fuels, beetle infestation and inadequate harvesting of timber in these ecosystems have contributed to the creation of the extreme fire hazard conditions. Ladder fuels should be reduced and sound timber management practices followed to avoid catastrophic fires. The County acknowledges the need for action to reduce fire hazard in, and adjacent to, the County and has established the following policies to facilitate such action.

1. The condition of some public lands in the County is dangerously overgrown with fire fuels thereby creating a public nuisance, and potential hazard. Agencies must manage these lands in a manner that reduces the fire threat and guards against fire's serious air quality impacts.
2. Agencies should work diligently to reduce the threat of wildfire on public lands to protect the County's water resources.
3. Reducing forest fuels is a cost-effective fire prevention and protection practice that can lessen the necessity to battle catastrophic wildfires. The County supports active forest thinning and increased timber production that preserves wildlife habitat, minimizes erosion, and does not irreparably harm watersheds and streams.
4. Federal and State Agencies are encouraged to participate in to develop, implement and update fire protection plans and engage in public outreach efforts by providing information and education about fire risk.
5. Agencies should provide information to the County on their policies and practices related to fire use and fuels management, including but not limited to, fire use

designation criteria, favorable and unfavorable prescribed burning parameters, fuel model inputs, fire personnel staffing levels, and public road closures and re-openings.

6. Agencies should coordinate planning, scheduling, implementation, and dissemination of public information concerning prescribed burns with Emery County.
7. Agencies should avoid scheduling prescribed burns on or around major holiday weekends and whenever the region anticipates significant tourist inflows.
8. If fires occur in Emery County on publicly or privately owned forests or grasslands, which threaten such destruction as would constitute a major disaster, the County expects the State of Utah to submit a request to the Federal Emergency Management Agency (FEMA) for assistance through the Fire Management Assistance Grant Program (FMAGP).

9.5 Forestry and Forest Products

It is the policy of Emery County to promote the continuation of a sustainable forest products industry by encouraging the active management of forests on public lands, as provided in the following policies:

1. Emery County encourages federal and state agencies to adopt and maintain scientifically sound forest management policies based on high quality, recently acquired data and to pursue multiple use of public forest resources to provide sustainable and continuous yield of timber, forage, firewood, wildlife, fisheries, recreation and water.
2. Agencies should adopt policies that promote and facilitate local manufacturing of forest products from public lands.
3. Agencies should support a broad range of reforestation and timber stand improvement tools and timber harvesting practices consistent with prudent resource protection practices.
4. Agencies should adopt policies that promote and facilitate early detection and control of insect infestations through the use of biological and chemical agents, including salvage of dead and dying forest stands.
5. Agencies should adopt policies that provide for the prevention of forest fires through thinning stand densities associated with the onset of competition as well as construction and maintenance of strategically located fuel breaks and other vegetation management.
6. Such actions are critically important and necessary to change existing forest surface, ladder, and crown fuel profiles in order to reduce potential wildfire intensity and behavior, and mitigate the consequences of large, and potentially damaging wildfires

on public lands and on private lands contained within and adjacent to Agency managed lands. The Achievement of a more sustainable forest condition via implementation of such prevention actions will benefit forest related resources, including improved watershed conditions, improved wildlife habitat and enhanced forest health.

7. The County supports prescribed burns as a fuels reduction management tool for resource enhancement when used in conjunction with forest thinning and post treatment salvage or in areas that physically cannot be mechanically thinned. Such burns should comply with air quality regulations.
8. Agencies should encourage and provide for the prompt salvage and replanting of forested areas and forest losses due to fire, insect infestation, or other events.
9. The County supports and encourages partnerships between Agencies and the timber industry to implement treatments to maximize environmental benefits of forest ecosystem health, diversity and sustainability, and to maximize social and economic benefits of industry and community infrastructure, increased employment, and improved tax base.
10. The County encourages Agencies to actively manage the watersheds in forested areas by reducing the threat of wildfire; thereby increasing water supply security and quality, providing deeper, more persistent snow packs, longer runoff duration, and increased groundwater storage.
11. The county recognizes that access is crucial for accomplishment of the listed management scenarios. Thus, Emery County expects that the managing agencies will ensure that adequate and reliable access is provided for these purposes.
12. Emery County supports the Utah Forest Practices Act, UCA 65A-8a, *et seq.*, and its stated purpose;

Ensure the protection of forest, soil and water resources by:

- Preserving water quality and soil stability,
- Preventing fire hazard and insect infestation,
- Minimizing waste of timber resources,
- Protecting forest regeneration and production.

9.6 Heritage Resources

Much of Emery County's past is intertwined with public lands and resources. One reason pioneers and settlers came here is because of the abundance of natural

resources. Farmers and ranchers, while grazing their animals on the land throughout the county, discovered the coal, uranium, minerals, Native American rock art, and other unique qualities that are the natural treasures of Emery County. As a result, archeological, cultural, historic and prehistoric resources that are found on private and public lands are an integral part of what make up Emery County. The County is very proud and protective of these resources which have factored into this community's daily life, from providing a living to recreation and family traditions.

Emery County shares the mission of the Utah State Historical Society, which is to "preserve and share the past for the present and future." Additionally, the County works closely with the Division of State History and Utah State Archives; even serving as a Regional Repository for the State Archives. The County's Heritage Resource management element in this plan invites citizens to help protect and enhance those aspects that first attracted them or kept them here including the historic character and unique charm of the County. This commitment is evidenced through an active County Historical Society and a Historic Preservation Commission, formally established under state statute. Taking part in preserving the past builds pride and creates good feelings about the future. These pieces of the past invite visitors to understand our history, appreciate its characters, and learn its lessons. In the end, everyone benefits. For these reasons, efforts directed at identifying, recording and preserving the County's Heritage Resources on public lands - a major part of our tangible links to the past - are being undertaken to preserve them for future generations.

The County is a Certified Local Government, qualified under the National Park Service (NPS) and the State Historic Preservation Office (SHPO). As a Certified Local Government, the County is able to nominate buildings and other structures to the National Register of Historic Places. Federal and state agencies must coordinate with the County to attain consistency with the Heritage Resources element of this plan and other relevant federal and state statutes.

In addition, Emery County finds that:

1. Structures constructed within, or in association with, grazing allotments should be maintained due to their critical importance to permittees and their historic significance. Such structures and improvements include, but are not limited to, cabins, corral facilities, fences, and developed watering facilities (including in Wilderness and other special designation lands.) Such structures and improvements are essential to the management of grazing land allotments and should be permitted to be maintained and enhanced where desired by permittees in good working order for their ongoing use;
2. It is policy of Emery County that archeological surveys and cultural resource studies required by the agencies should be:
 - coordinated with the County,

- conducted professionally and expeditiously, and paid for by the agency requesting or requiring the study; and
 - completed in a timely manner.
3. A great amount of significant paleontological resources are found throughout Emery County. The county expects that exploration efforts, conducted by individuals and organized entities, for these resources will be coordinated with the County. The County's position is that planning, excavation, removal, and curation of paleontological resources will be conducted in accordance with relevant Emery County ordinances, and that coordination with the County will occur during all aspects of these recovery activities.

9.6.1 Native American Culture

The cultural resources associated with Native Americans in Emery County are integral to the customs, traditions, historic and cultural livelihood and well being of Native Americans. Therefore it is the policy of Emery County to support and protect their inherent rights in addition to protecting private property rights and multiple uses on federal and state lands. Consistent with federal and state legislation, Emery County finds that Agencies should establish and implement consultation and coordination requirements with all federally recognized tribes with cultural ties to Emery County. Further, Agencies should provide opportunity for joint coordination with the County and Tribes where appropriate.

9.7 Invasive Species, Noxious Weeds, Predator Control, and Pest Management

Emery County advocates the control of predatory animals, rodents, noxious weeds, and disease bearing vectors on all lands within the County. A noxious weed is an unwanted plant specified by federal, state, or local laws as being undesirable, troublesome, and difficult to control. It grows and spreads in places where it interferes with the growth and production of native plants or desired crops.

The County acknowledges that noxious weed infestation and growth constitutes a major threat to the public health, natural resource values, and the economic viability of the public lands and water courses, and should be a high priority of federal and state agency managers, as stated below:

1. The County encourages the Agencies to protect public lands bordering private lands from predatory animals, rodents, noxious weeds, and vectors.
2. Agencies should prepare and implement plans for controlling predatory animals, rodents, insects, and noxious weeds in accordance with the practices advocated by the Utah Department of Food and Agriculture and Department of Wildlife Resources. Information regarding DWR's predator management is found in Appendix E.

3. Agencies should coordinate their pest control regulations and actions with the County. Emery County's Weed and Mosquito Department pursues active mosquito control, and is involved in several cooperative weed control actions, such as the Skyline Cooperative Weed Management Area, which includes the Emery Water Conservancy District, several adjacent counties and federal and state agencies and the San Rafael River tamarisk removal project, with UDWR and the BLM.

Additionally, the County has declared Russian Olive a noxious weed and is aggressively working with local land owners and various agencies to eradicate this species on private lands and along waterways within the county.

9.8 Mining and Mineral Resources

Emery County recognizes that the development of its abundant mineral resources is desirable and contributes to the economic well being of the County, State and the nation. Federal and State public land laws as well as land management plans provide for comprehensive and continuous oversight of the administration of a mining system which allows for exploration and production of mineral resources on public lands throughout the country. Accordingly, it is the policy of Emery County to encourage responsible stewardship of the environment in conjunction with mineral exploration and development. The County supports mineral exploration and development on public lands that is:

- conducted subject to permits issued by jurisdictional agencies;
- consistent with County ordinances;
- consistent with local history, customs, traditions and culture;
- free from legally and scientifically invalid and unreasonable barriers;
- is consistent with the 1872 mining law;
- considers resource potential data that is available from industry, Utah Geological Survey, Department of the Interior, Department of Agriculture; and
- consistent with sound economic and environmental practices.

Emery County requests that all state and federal agencies coordinate their reclamation plans with the County. Any changes to the current system should reflect consultation with and consideration of the effects on private industry as well.

9.9 Biological Resources

Management of biological resources, including plants, fish, wildlife, and species designated as special status, threatened, endangered, sensitive, candidate or indicator

species under federal or state laws, on public lands, should be based upon sound scientific evidence and local input. (Additional information is contained in Appendix E).

Local input will be developed through the Emery County Public Lands Council, and provided to the management entities for developing biological resource management plans in accordance with the following policies:

1. In formulating biological resource management plans, federal and state agencies should identify the potential negative impacts of those plans on the local economy, the environment, private property interests, and customary usage rights of the public land affected by the proposed plan.
2. Agencies shall coordinate with the County before eliminating, introducing or reintroducing any species onto public lands, or into waters within the County, and address potential impacts of such an action on private lands, customary use and private property interests in the public land, and the local economy.
3. The County encourages the Agencies to develop biological resources management plans that provide for the enhancement of native fish, game and nongame species, promote fishing and hunting on public lands, and provide a private property compensation program for certain damages created by wildlife.
4. Conservation and management of Greater Sage-grouse (*Centrocercus urophasianus*), and the species' habitat, is a top priority for Utah wildlife managers, particularly because of efforts by some groups to have the Greater Sage-grouse protected under the Endangered Species Act (ESA). Although sage-grouse populations and habitat are much less prevalent in Emery County than in other parts of the state, the county recognizes that proactive involvement in conservation and management efforts is prudent. Therefore, the County has become aligned with Parker Mountain Adaptive Resource Management Local Working Group (PARM) (LWG) to form the Parker-Emery LWG.
5. The State of Utah Division of Wildlife Resources, in accordance with UCA Title 23, Wildlife Code of Utah, is responsible for the management of wildlife within Emery County. Wild horses and burros are not wildlife species; therefore, they are not managed by the State.

9.10 Recreation

Recreational use of land and water resources in Emery County, in times past, typically involved Emery County residents, residents of neighboring counties, and a few visitors from locations outside the immediate area. That has changed dramatically in the last several decades. Located just a few hours from the Wasatch Front, and the Western Slope of Colorado, the County is a vacation destination for these residents, as well as

others from across the nation and internationally. Public lands within the County provide residents and visitors alike with opportunities for a wide variety of outdoor experiences. Influxes of tourists and recreational visitors come to enjoy off-road vehicles (OHVs) including snowmobiles and to ski, snowboard, hike, ride horses and bikes, rock climb, ice climb, rock-hounding, bouldering, fish, hunt, camp, watch birds and wildlife, raft, canoe and kayak rivers, water ski and wake board, and take part in other outdoor sports and local and western cultural events (i.e. The Castle Valley Pageant, mountain bike and equestrian trail rides, and rodeos).

Some recreation areas should be readily accessible with good roads and should be adequately signed to inform the public of regulations, potential conflicting uses, and problems. The County recognizes that effective maintenance of roads and trails is crucial for a well-managed and robust recreation component of the local economy. Agencies should proactively mediate conflict between multiple uses, including non-recreational users. Emery County seeks to protect the existing uses on public land and advocates management which allows for and protects that use. Agencies should enhance recreation opportunities and not place unreasonable and undue hardship and burdens on businesses through protracted and cumbersome analyses and permitting processes.

Recreational use creates increased demands on law enforcement, waste management, search and rescue, emergency medical services, road maintenance and other resources. The Emery County Sheriff's Office and related services are heavily impacted by recreation user groups yet there is almost no economic support of these services generated by recreational use. Agency identification of socioeconomic impacts for proposed recreation-related actions (including management or elimination of recreational facilities such as OHV trails) should consider impacts to the County and provide for economic or other mitigation of such impacts. While Emery County supports and encourages recreational uses, agencies should not encourage or promote activities that are incompatible with existing permitted agricultural uses.

9.10.1 Camping

Dispersed camping is historically, traditionally, and culturally important to Emery County residents and visitors and as such, should remain available for use and accessible via motor vehicle. Roads and trails for access to such areas should remain open and/or if undesignated, should be left open and evaluated for inclusion into the system at the agency's earliest opportunity. In conjunction with dispersed camping, there should be ample opportunity to park off the road. Users should not have to leave their vehicle unprotected on the road and walk into historical campsites. The County supports locating camping areas a reasonable distance from streams to protect water quality. Agency decommissioning of recreational facilities such as campgrounds or elements of campgrounds, dispersed camping sites, restrooms, and other facilities

traditionally used for camping and day use should not be accomplished without reasonable notice and coordination with the County. Agencies decommissioning or temporarily closing facilities for urgent or emergency reasons, should apprise the County of those actions at their earliest opportunity. Formal decommissioning should undergo NEPA review and should include detailed and comprehensive socioeconomic analysis and identification and selection of alternatives that achieve the agencies' desired outcomes and result in the fewest negative impacts on the human environment.

9.10.2 Funding

Federal and state budget cuts have placed a heavy burden on land management agencies to maintain current levels of management activities. For this reason, the possible enactment of new or increased user fees is of concern. The County discourages augmenting agencies shrinking budgets by establishing new and increased user fees.

Emery County also encourages agencies to:

1. Allocate sufficient amounts of their budgets to recreation in order to accommodate increasing demands on recreation facilities and related infrastructure. All indications are that impacts to public lands will increase dramatically in the foreseeable future.
2. Recreation funding should not be reallocated to other activities. Further, forest management and fire protection and prevention funding should not be reallocated to recreation activities.

9.10.3 Planning

When planning for future recreation needs (Forest Plan Revision, SRMA activity level planning for example), the agencies should coordinate with the County through the Public Lands Department to ensure local values and economic interests are preserved. Emery County has Memoranda of Understanding with federal and state agencies which will govern the interaction of County and agencies. Emery County desires Cooperating Agency status in all formal planning processes.

9.10.4 Snowmobiles

Snowmobile use should be allowed on all Forest Service or BLM lands except where specifically restricted or prohibited by statute or land use designation.

9.10.5 Other Winter Sports

Skiing, snowboarding, paraskiing, etc. represent established recreation use during the winter months. Areas utilized for these activities provide a unique

access portal to public lands during winter months that would otherwise be inaccessible to the public.

9.11 Special Designation Lands

Emery county believes it is possible to protect public lands without impacting our economy. The County also believes that we can develop and expand our local economy without endangering the wilderness values present in some areas of the public lands.

Emery County supports the wise use, conservation and protection of the nation's public lands and the resources associated with these lands, including prudent and appropriate management prescriptions established to achieve wise use. These prescriptions may include designation of Wilderness.

Emery County supports multiple uses relative to public and private recreational and cultural opportunities on special designation lands that are compatible with local customs, historic practices, and traditions. Land use in special designation lands should be managed within the constraints of private property rights. Given the significant number of acres within Emery County under public ownership and special designation, Emery County opposes designation of buffer zones between special designations lands, multiple use lands, and private property.

Emery County finds that:

1. Proposed designation and conservation actions relative to special designation lands should be coordinated with the County. Negative socioeconomic impacts to the County and/or its residents should be fully mitigated, and should be found to be consistent with the County General Plan prior to designation by agencies, Congress, or the current administration;
2. The County reserves its right and ability to coordinate in planning and management processes with agencies on the basis of the potential and actual consequences to the tax base and residents' continued interest in historic, traditional, cultural, economic and natural resources;
3. Once under consideration, the lands within the county should undergo timely and expeditious review by the agencies and Congress. It is the position of Emery County that, where lands and resources have been studied for special designation but have not been designated by Congress prior to renewal, major amendment or modification of an extant federal land or resource management plan; following the date of adoption of this Emery County General Plan, such lands will be returned to the land use status they held prior to initiation of the study for special designation. The return-to-previous-status will be reflected in the subsequently renewed, amended or modified management plan.

4. The County opposes actual and de facto special use designations via administrative action. It further opposes any special use designations without the specific endorsement of the County. Before designation of any special area, public hearings should be held within Emery County. The appropriate cabinet secretary should fully comply with requirements of NEPA prior to making recommendations to the President and/or Congress for any such designation.
5. Federal agencies should coordinate with the County as early as possible when considering administrative special use designations such as National Parks, Monuments or other designations that affect the use and status of public lands in the County. Emery County supports designation of the Cleveland-Lloyd Dinosaur Quarry as a National Monument, as evidenced by County Resolution 09-15-15B.
6. The County will participate in the planning and decision-making process surrounding the creation of proposed special designation lands (including federal legislation) for the purpose of advocating for County and local economic interests and the incorporation of economic development activities within the management plan of the special designated area, the continuation of grazing, oil and gas activities, mining and mineral rights, access issues and other concerns it deems appropriate.
7. Emery County's position is that boundaries which define special designation lands will, to the maximum extent possible, be collocated with recognizable, natural topographic features, or human-influenced utilitarian features (i.e. roads, trails, fences, utility corridors, etc):
 - a. Boundaries which relate to utilitarian features shall be set back such that efficacious maintenance access is provided. Boundaries along a Federal or State highway shall be set back the greater of:
 - 300 feet from the center line of the highway; or
 - the distance from the center line of the highway to a boundary line.
 - b. Boundary setbacks along paved roads, which are not Federal or State highways, or high-standard dirt or gravel roads (Emery County "B" Class Roads) shall be the greater of:
 - 100 feet from the center line of the road; or
 - the distance from the center line of the road to a boundary line.
 - c. Boundary setbacks along a low-standard dirt or gravel road shall be the greater of:
 - 40 feet from the center line of the road; or
 - the distance from the center line of the road to a boundary line.

9.11.1 Areas of Critical Environmental Concern (ACECs)

An ACEC is an area with special resource values that must be designated as an ACEC to receive special management. No such designations should be recommended by agencies where other designations or prescribed management actions provide for adequate management. Emery County finds that ACECs may not promote the interests of local economies, public safety, private property ownership, and protection of local customs and culture. In addition, they may not readily allow active adaptive management in response to arising environmental issues affecting wildlife, landscapes, or human communities. As a result, agencies advancing any proposal for an ACEC in the County should actively coordinate and seek approval of the County prior to any formal consideration for ACEC status.

9.11.2 National Monuments

Emery County finds that landscape-scale National Monuments may not promote the interests of local economies, public safety, private property ownership, and protection of local customs and culture. In addition, they do not readily allow active adaptive management in response to arising environmental issues affecting wildlife, landscapes, or human communities. As a result, agencies advancing any proposal for a National Monument in the County should actively coordinate and seek approval of the County prior to any formal consideration for National Monument status. No such designation should be recommended by agencies where other designations or prescribed management actions provide for adequate management. Emery County supports designation of the Cleveland-Lloyd Dinosaur Quarry as a National Monument, as evidenced by County Resolution 09-15-15B.

9.11.3 Wild and Scenic Rivers and Proposed Wild and Scenic Rivers

The National Wild and Scenic River Act provides the guidance for identification and designation of individual river segments for study and for recommendation for inclusion in the system in order to provide balance with development and to provide unique representation within the national system. Inaction by Congress on recommendations for designation should be interpreted as a negative response if no action is taken within ten years of the recommendation. Either in that event or in the event Congress acts within ten years to deny designation into the Wild and Scenic River system, agencies should seek release from special designation of the river corridor to allow full multiple use management.

In 2008, the Department of the Interior (DOI), Utah Bureau of Land Management (BLM), and Price Field Office adopted a Resource Management Plan (RMP) which provides guidance for management for all natural resources, except state

managed fish and wildlife, on BLM administrated lands within Emery County. Development of the plan included an inventory of 38 river segments, many of them within Emery County, eligible for inclusion into the National Wild and Scenic River System. Of the eligible segments, four segments within Emery County were found suitable for inclusion within the system. All four segments are part of the Green River. Emery County finds that candidate river segments on BLM administrated land have been inventoried as mandated by the Wild and Scenic Rivers Act and that those segments not found suitable will be managed according to the RMP.

Manti-LaSal National Forest began an inventory of rivers within Emery County in 2002. Fifteen river segments were determined to be eligible for Wild and Scenic River designation. Subsequently, these river segments were evaluated for suitability for recommendation for inclusion in the National Wild and Scenic Rivers Systems as part of the Wild and Scenic River Suitability Study for National Forest System Lands in Utah. The study concluded that no segments within the Manti-LaSal National Forest were suitable for recommendation (Wild and Scenic River Suitability Study for National Forest System Lands in Utah Record of Decision and Forest Plan Amendments, 2008). The study concludes that "At this time the remaining [nonsuitable] river segments ... in Utah located on National Forest System lands are no longer afforded agency interim protection under the Wild and Scenic River Act, and continue to be managed under direction from each respective Land and Resource Management Plan." Emery County concurs with this decision.

9.11.4 Wilderness and Wilderness Study Areas

Emery County recognizes the wisdom of Congress to "secure for the American People the benefits of an enduring resource of Wilderness" (Sec 2a, P.L. 88-577) which will be "devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use" (Sec 4b, P.L. 88-577). This intent was affirmed in a 1998 court case of Wilderness Watch, et al., v. F. Dale Robertson, et al., Civ. No. 92-740 (TFH). United States District Court for the District of Columbia, 1998 U.S. Dist. LEX IS 14457, August 31, 1998, which concludes that the statute clearly directs the Forest Service to administer the Wilderness with an eye not only toward strict conservation, but also to ensure the use and enjoyment of the American People. The County affirms the purpose of the Wilderness Act as defined above; however the County is gravely concerned about the potential degradation and loss of local heritage, customs, traditions, and culture negatively impacted as a result of revisionist interpretations of the Act. Emery County asserts that, subject to valid existing rights, each Wilderness shall be administered by the Secretary of Interior, or the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq)

9.11.4.1 Adjacent Private Lands and Land Management

The County affirms the ability of the County property owners to use and enjoy private lands located adjacent to Wilderness, Wilderness Study Areas, and all other special designation public lands. Condemnation of private property in conjunction with designations of public lands should not be initiated, nor the imposition of involuntary conservation measures and/or easements for any purpose. Public lands should be managed with regard to their unique qualities, designations and uses, not as interlinking parts of larger wholes or regions. Emery County asserts that no protective perimeter or "buffer zone" exists around any Wilderness or Wilderness Study Area (WSA). The fact that an activity or use, on land outside any Wilderness or WSA, can be seen or heard within the Wilderness or WSA, shall not preclude such activity or use outside.

9.11.4.2 Cultural and Natural Resource Management

Archeological and historical sites and structures that existed or were in use at the time of Wilderness designation should be permitted to remain in Wilderness and may be excavated, stabilized, maintained, or improved for interpretation and continued use. Sites or structures that provided support for historic, traditional, cultural, and customary uses are included, as are those which qualify for inclusion on the National Register of Historic Places. Properties which qualify for inclusion on the National Register, whether under current permit or not, should not be removed or demolished and may be maintained by public agencies, private organizations, and individual efforts. Native American tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities should be allowed in Wilderness or WSAs.

9.11.4.3 Equestrian

The County supports equestrian and stock use in Wilderness, WSA's and other special designation areas. Any trend of restrictions or increasing restrictions directed towards the use of pack and saddle stock for recreational purposes is unacceptable. Further, utilization of complaints by non-stock users to restrict the use of pack and saddle stock in Wilderness should not justify management restrictions. Restriction of pack and saddle stock is not viewed by the County as protecting the Wilderness character. The County supports Congressional intent of Wilderness designation for a "broad spectrum of Americans" and desires to avoid increasing restrictions directed

specifically at recreational opportunities intended in the Wilderness Act. This sometimes the result of the complaints of a minority of users who seek to restrict the use of horses and mules in Wilderness and who justify the actions as necessary to protect Wilderness character.

Recreational pack and saddle stock use that is established at the time of Wilderness designation is recognized as an appropriate and historical use of Wilderness equal in importance to other uses including backpacking and hiking. No curtailments of recreational equine use or grazing incidental to that use should be restricted or removed simply because an area has been designated as Wilderness. Values, norms, and preferences of other Wilderness users should not be used as reason to restrict, phase out, or terminate historical or permitted recreation uses.

Restrictions and prohibitions imposed on recreational equine use and incidental grazing should be the exception rather than the rule and should be decided by site specific analysis based on biological and physical criteria rather than subjective social preferences of other Wilderness users.

Public lands should be managed with regard to their individual, unique qualities, designations, and uses, not as interlinking parts of larger wholes or regions.

9.11.4.4 Grazing

Stock grazing under permit should not be restricted to favor Wilderness visitor management. Further, existing and new permits for livestock grazing should be issued on allotments where grazing was established at the time the Wilderness is designated. Any regulation and/or removal of grazing allotments should be based on the following process:

- a. Scientifically valid, peer reviewed studies, directly applicable to Emery County, that demonstrate an irrefutable and direct correlation between the challenged use and the impact that validates the need for the proposed action, completion of comprehensive NEPA analyses quantifying economic and social costs of the proposed action, and that establish an adaptive management-based monitoring and recovery strategy leading to reactivation of the allotment for grazing use.
- b. Livestock numbers or animal unit months (AUMs) should only be limited where such action is validated by scientific, peer reviewed

studies that demonstrate a direct correlation between the livestock numbers, AUMs and an irrefutable adverse impact that validates the need for the proposed action, that conducts a comprehensive NEPA analysis quantifying economic and social costs of the proposed action and that establish an adaptive, management-based monitoring and recovery strategy leading to resumption of the allotment grazing uses.

c. The grazing of livestock in a wilderness area, shall be permitted to continue in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4), the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H.Rep. 101-405) and H.R.5487 of the 96th Congress (H.Rep. 96-617); the Act of June 28, 1934 (commonly referred to as the "Taylor Grazing Act of 1934"; 43 U.S.C. 315 et seq.). The use of motorized vehicles in any wilderness area, where grazing of livestock is established shall be allowed if the use of motorized vehicles is for the purpose of:

- maintaining fences, ponds, troughs, springs, and other structures or land features necessary to continue grazing of livestock in the area; or
- retrieving a wounded, crippled, sick, or an otherwise movement-restricted animal.

9.11.4.5 Hunting, Fishing, Trapping, and Wildlife Management

Hunting, fishing, and trapping are qualifying uses of Wilderness as allowed by Congress. To regulate and/or remove these uses from Wilderness, scientifically valid, peer reviewed studies must demonstrate an irrefutable and direct correlation between the uses and the impact, validate the need for the proposed action, conduct a comprehensive NEPA analysis that includes economic and social costs of the proposed regulation or removal, and establish an adaptive management-based monitoring and recovery strategy leading to resumption of those uses as established by the criteria above.

In accordance with section 4(d)(7) of the Wilderness Act (16 21 U.S.C. 1133(d)(7), the State of Utah has jurisdiction with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping in wilderness areas. The State may carry out management activities to maintain or restore fish and wildlife populations in

accordance with applicable policies described in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H.Rep. 101-405).

Fish-stocking of streams and lakes should be continued and encouraged unless scientifically valid, peer reviewed studies show a direct correlation between fish stocking, predation on Threatened and Endangered species, and increasing user visits that create a negative impact on the Wilderness experience as defined by Congress (above).

9.11.4.6 Mineral Rights and Claims

Access to mining claims owned by individuals, groups, and businesses should not be restricted. Roads which exist at the time of designation that serve mining claims should not be closed, nor should the agencies unreasonably withhold use permits for access to such roads.

9.11.4.7 Purity Document

The county opposes the imposition of the Purity Doctrine in County Wilderness areas. (See Appendix B)

9.11.4.8 Recreation

Recreational and historical uses should be recognized as an appropriate purpose of Wilderness equal in importance to preservation of natural conditions. These uses and activities should not be restricted or entirely excluded from Wilderness via utilization of any of the following direct and/or indirect actions by agencies or Wilderness purists:

- removal and obliteration of campsite improvement, or evidence of dispersed camping;
- removal of motorized or mechanized trails designated prior to wilderness designation;
- rerouting of primary transportation away from destination areas;
- regulating use of saddle horses and/or pack stock; and
- removal of other historic or cultural recreation activity which was enjoyed prior to wilderness designation.

9.11.4.9 Trails & Transportation

Emery County has observed reluctance by the Price Field Office to maintain trails and trail signage within Wilderness Study Areas (WSA's). House Report 95-540 directed the agencies to "maximize efforts to construct, maintain, and improve trails and trail systems in Wilderness areas, so as to facilitate access and recreational use, as well as to increase opportunities for a high quality Wilderness experience for the visiting public." The report also acknowledges that "trails, trail signs, and necessary bridges are all permissible when designed in keeping with the Wilderness concept" and instructed the agency in its maintenance and construction efforts to "include the use of mechanical equipment where appropriate and/or necessary."

Emery County consequently finds that:

1. Trails must be maintained and managed to provide for all user types considered appropriate when the area was designated as Wilderness;
2. Federal agencies responsible for Wilderness must include the use of mechanical/motorized equipment for trail maintenance and reconstruction as an appropriate and necessary tool to accomplish trail maintenance;
3. Agencies must include the use of mechanical/motorized equipment for fire management on a case by case basis;
4. Trail signs, and necessary bridges are recognized as appropriate structures within Wilderness necessary to provide Wilderness opportunities for all Americans;
5. Trails must be managed to continue historic, traditional, customary, and cultural uses when the area was designated as Wilderness;
6. RS 2477 roads that existed and may, or may not, have been shown on agency and/or County maps are required to be part of the official existing and authorized trail and road system. Trails which do not appear on those official maps, but can be demonstrated to have historic, traditional, cultural, or customary significance to County residents and other public land users should be evaluated for addition to the official system; and
7. Minimum tool analysis and minimum requirements analysis should consider the mandate of providing for recreation and historic use,

comprehensive economic and social analyses of the costs of closing trails and roads, as well as the physical and biological attributes of Wilderness character.

9.11.4.10 User Amenities

Facilities and/or improvements that existed at the time of Wilderness designation and/or that can be demonstrated to serve an existing permitted use at the time of the Wilderness designation must be retained for historic, cultural, traditional, and customary uses. Improvised camping structures constructed by users should be permitted as temporary shelters erected in response to a weather event and shall be dismantled by the users upon the conclusion of the weather event.

9.11.4.11 Water Rights

Emery County is emphatic that designation of Wilderness in no way constitutes or shall be construed:

1. to constitute either an express or implied reservation by the United States of any water or water rights with respect to wilderness area;
2. to affect any water rights in the State of Utah existing on the date of designation, including any water rights held by the United States;
3. as establishing a precedent with regard to any future wilderness designations;
4. as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Utah and other States.

9.11.4.12 Wilderness Study Areas

Emery County's position is that Wilderness Study Areas which have been managed as such for a period of ten years or longer should revert to multiple use lands. Additionally, for the purposes of Section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public lands in Emery County, Utah have been adequately studied for Wilderness designation. Any public lands not subsequently designated as Wilderness are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and shall be managed in accordance with

applicable law and land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

Emery County's position is further clarified in "The 2007 Addendum" which addresses "Alternative E Areas", "Reinventory Lands" and "Wilderness Characteristics Lands" and is incorporated into this General Plan as Appendix C.

9.12 Transportation and Access

Transportation is the basic system which provides mobility to sustain social, economic, and recreational activities, and to facilitate firefighting and emergency management throughout the County on public and private lands. An improperly developed, or out of balance transportation system can result in ineffective mobility and cause adverse and undesirable conditions such as safety hazard, delays, unnecessary energy consumption, economic costs and frustrations for citizens and visitors. It is the desire of Emery County to shape and maintain a transportation system which improves the quality of life and residents' ability to move throughout the County's public and private lands. Emery County has developed, and maintains a transportation plan, see Appendix A, in coordination with the agencies that optimizes accessibility across federal and state lands, promotes efficiency and allows for responsible management of public lands.

Access to federal lands is critical so that the full benefits of multiple uses can be realized. Access to federal and state managed land should not entail encumbrances or restrictions on private property rights, including all livestock business operations which must traverse state and federal byways in the course of transporting livestock. Future uses and needs for capacity increases should be a large component and driver of the evaluating process. Roads and trails should be permitted for all proper and lawful purposes subject to compliance with rules and regulations governing the lands and the road and trails to be used.

Emery County supports agency efforts to maintain authorized public land roads and access points with historic, cultural, and traditional importance to residents and visitors and to rehabilitate unauthorized roads, trails, and access points. The County opposes administrative limitation of access to public lands through road or trail closures, decommissioning, and other limiting policies that are not consistent with agency land use plans or county plans. Continuation of existing uses and patterns should be maintained unless reliable, Emery County specific, scientific evidence compels the agency to change those uses.

Revised Statute 2477 (RS 2477) provides that rights-of-way for the construction of highways over public land not reserved for public uses, is hereby "granted". Miners, ranchers, and others developed such rights-of way in the form of roads and trails, many

of which continue to be used today although their usage is increasingly restricted. The County has identified such roads and is opposed to further limitation of public access to state and federally managed lands.

Emery County opposes federal actions that intentionally or unintentionally reduce the scope of rights that are protected by the Federal Land Policy and Management Act (FLPMA), National Forest Management Act (NFMA), and other federal statutes.

Balancing private property interests with the public's need for access, is critical when pursuing and maintaining rights-of way. In-holders of private property require rights-of-way to access their property and exercise other activities and other rights associated with private property. Emery County supports the rights of these individuals.

All roads and trails that have been designated open for multiple-use travel in agency planning processes should remain open to the applicable forms of motorized travel, unless sufficient, site specific, environmental or scientifically valid justification exists for the closure of a road or trail.

Coordination with the County is critical for the maintenance of sound travel management plans. Agencies are expected to attain consistency between proposed travel management plans and the County transportation plan. The County supports an interconnected transportation system for Off Highway Vehicles (OHV) using routes designated in the Emery County OHV Ordinance, BLM designated routes, and routes identified by MLNF.

Emery County asserts that unless due to existing or imminent public safety hazard or catastrophic environmental damage, federal or state agencies may not temporarily close or permanently reroute a portion of a road or trail without consulting Emery County. Access opportunities, comparable and equal to those provided by any temporarily closed portion of a road or trail, shall be established concurrent with the temporary closure.

Further, it is Emery County's position that:

- historic uses, roads and routes will be maintained in specially designated areas (wilderness, roadless areas, Areas of Critical Environmental Concern (ACECs), etc.) to the fullest extent permissible under such land designations by Congress;
- vehicle access will be provided to all historically used campsites;
- all authorized and unauthorized dispersed and developed campsite access routes will be evaluated for inclusion into the agency road/transportation system;
- light or intermittent use of a trail or route does not justify a change in designation, closure, or its removal from the transportation system;

- roads and trails that have washed out or are otherwise impassable will not necessarily be closed as a result, nor will authorization be denied due to the agency's failure or inability to maintain them;
- MLNF and BLM roads and trails will remain open unless there is scientifically defensible and significant reason to change the status;
- the agencies will maximize and protect access opportunities for residents and visitors who are physically unable to access dispersed camping areas via non-motorized means;
- seasonal and wet weather closures will reflect existing conditions, historic, historic and seasonal uses such as hunting and fishing, permittee needs and requirements for access for herding and cattle removal purposes, and other local interests; and
- seasonal and wet weather closures will be based on current weather and road conditions, not calendar.

9.13 Water Resources

9.13.1 Emery County Policy

Emery County supports free market economics in the use of water resources to promote development of agriculture, industrial, business and municipal enterprises in the County. Therefore, the County supports full development of the State of Utah's portion of the Colorado River Allotment through adoption, and implementation of water storage, distribution, and conservation plans and projects by State water management agencies, irrigation companies, industrial and business users, and municipalities. However, Emery County unequivocally asserts that such development of water resources within the County's watershed system shall benefit the County and its citizens.

Adequate water quality and availability is necessary for significant residential, industrial, commercial, agricultural, and recreational development. The County desires to protect and enhance the quality and quantity of usable water by promoting the efficient management of water resources and the protection of individual water rights.

There are twenty-three federal water agencies and fifteen water-related state agencies with whom water users in the County must commonly deal. Therefore, water related decision-making efforts are very complicated in the County. Emery County has made efforts to coordinate with all pertinent water agencies and organizations in its water policy making and planning efforts and will continue to work with those agencies.

Emery County is experiencing over-utilization pressures as well as political pressures on its water resources. Portions of the streams and tributaries which provide the County's present water supply are fully appropriated. Any new uses of water in these areas must come from existing water supplies or the creation of additional storage facilities to capture and store the spring runoff from the melting snow.

Other threats include unfunded political mandates (such as protection of endangered or sensitive species, wetland protection, etc.), federal and state in-stream requirements, subsidence due to mining activities, trans-basin movement of water by the mining industry, watershed damage due to invasive species, timber harvesting and mountain home subdivisions, uncontrolled trans-mountain diversions, ground water interference by methane gas developers, and the retirement of agriculture production lands to provide water for industry. The County is emphatic in its position that these many interests and agencies acquire their rights to use water resources through the Utah State appropriation system. The County will resist any method of "taking without compensation".

9.13.2 Water Quality and Quantity

Emery County is committed to protecting the quality and quantity of its water resources. The County is concerned with the effects of industry, recreation, and residential development on water quality and will continue existing monitoring activities. It is the County's position that parties causing resource damage are responsible to perform and/or finance adequate and appropriate mitigation measures. Many important County watersheds are located in adjacent counties. The County will consult, cooperate, and coordinate with those counties on watershed management and water quality issues. Appendix D, San Rafael River and Muddy Creek Water Sheds Study, provides additional information regarding the County's water resources.

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

Watershed Protection

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

Emery County supports the Utah Forest Practices Act, UCA 65A-8a, *et seq.*, to ensure the protection of forest, soil, and water resources.

The County supports land use practices which promote proper ground cover to prevent erosion. The County promotes practices which will decrease the growth of noxious weeds, phreatophytes, and high water-consuming vegetation, and favors practices which increase erosion-preventing ground cover. Emery County's Weed and Mosquito Department is involved in several cooperative weed control actions, such as the Skyline Cooperative Weed Management Area, which includes the Emery Water Conservancy District, several adjacent counties and federal and state agencies; and the San Rafael River tamarisk removal project with UDWR and the BLM. Additionally, the County has declared Russian Olive a noxious weed and is aggressively working with local land owners and various agencies to eradicate this species on private lands and along waterways within the county. These efforts along waterways are intended to improve the stream and river ecosystems by reducing channel narrowing, down cutting and erosion, and enabling the waterways to return to more geomorphologically natural and ecologically healthy systems.

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

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

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

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

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

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

Action/Implementation Steps (Policies and Guidelines)

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

Working with all interested parties, the Planning Commission shall review the existing watershed protection and subdivision ordinances to determine whether these ordinances provide adequate watershed protection. Accomplishing this objective will include expanding the existing zoning resolution to include soil and slope analysis requirements and stream corridor and floodplain setbacks.

Based upon the Planning Commission's findings and recommendations, a zoning map and accompanying ordinance has been developed. This information identifies "protection" zones, corresponding levels of development (or non-development) and impacts mitigation requirements.

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

9.13.3 Water Rights/Allocation

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

The County's position is that private water rights should be protected from federal and state encroachment and/or coerced acquisition. To ensure that the County's water resource issues and interests are adequately heard and addressed, the County will actively participate in all relevant federal and state water resource planning efforts and decisions. Emery County endorses the Utah State Water Laws of Appropriation as the legal basis of all water use within the County. Under state law, all water in the state, whether above or under the ground, is declared to be the property of the public subject to all existing rights to the use thereof.

Beneficial use is the basis, the measure and the limit of all rights to the acquisition, appropriation, and use of water in this state. The user who is first in time shall be first in right.

Water Rights which have been appropriated in Emery County are on file at the Utah Division of Water Rights (UDWRi). When these rights exceed the flow

in the river, the first in time of the appropriation is first to fill his/her water right. The County recognizes headwater areas of the four river systems in Western Emery County are fully appropriated.

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

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

OBJECTIVE: *The County's position is that benefits from conservation practices should go to those conserving the resource.*

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

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

Groundwater

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

The County recognizes that mining has long been one of its most important economic bases. However, the interruption of water flowing to these natural spring outlets, or significant degradation of historic quality, cannot be tolerated. It is the policy of the County that any water interrupted by mining, subsidence,

etc. shall be replaced in quantity, quality, kind, and/or compensated for. If studies or observations show a possibility of water resources interruption is imminent, or has occurred, then mitigation of the probable or actual interruption will be required concurrently with mining and/or cessation of mining. Any trans-basin transfer of water will be contrary to the policies and interests of the County. Recent occurrences within the mining industry, locally, nationally and internationally, have negatively affected coal mining in the County; therefore, Emery County must actively and aggressively assess whether any of the above scenarios have resulted, and pursue resolution as necessary. The County considers this a priority concern.

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

The geology of the County is the source of its physical uniqueness. The Wasatch Plateau rises sharply on the western boundary to elevations of 11,000 feet ASL and provides the mountainous watershed. This mountainous region receives over 40-inches of precipitation per year and is the source of the County's water. The valley floor varies from elevation 6,000 to 4,500 ASL in its deepest canyons and receives less than 7-inches of precipitation per year. The valleys which support farms, industry, and communities sit on a marine shale deposit which is about 3,000 feet thick. This formation is called the Mancos Shale. Located deep below this shale layer are two thick sandstone aquifers ranging from 500 to 1,000 feet and are found about 6,000 to 7,000 feet ASL. These aquifers turn up and surface about 10-15 miles east of the communities and the surrounding agriculture lands. These aquifers have never been tapped because of their depth and the expense of their development. However, these water bearing zones are part of the water resources of the County. The County policy will be to ensure that the quality of these aquifers is not degraded by injection wells, or any other activity.

Water Storage

The semi-arid climate in which we live necessitates the wise use of our water resources. Storage reservoirs, which catch runoff from the melting winter snow from the mountain ranges and hold the water for year-round use, are vital to the existence of the County's communities, industry, and agriculture. Many of these storage reservoirs are located high in the watersheds.

Numerous other man-made reservoirs belong to the Division of Wildlife Resources. These reservoirs are used for recreation and do not contribute to

water storage potential. However, they contribute greatly to the enjoyment and quality of life of the County citizens. The County encourages the continuing maintenance of these facilities.

The "Emery County Project" was completed by the U.S. Bureau of Reclamation in 1965. This project constructed the Joe's Valley Dam as its major feature. Water is stored in Joe's Valley Reservoir and used for agriculture, industry, and municipal needs on Cottonwood Creek and Huntington Creek.

Emery County appreciates the fact that these facilities were provided and endorses management practices which utilize these facilities to the fullest extent in the storage and conveyance of all waters.

The County urges a cooperative effort with the Bureau of Reclamation to use their existing systems in a wise and efficient manner.

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

The County's position is that additional storage facilities are needed for the County to fully utilize its water resources. The County supports downstream and off-stream storage and would like to develop an adequate system of storage facilities that would allow the excess spring runoff to be captured and utilized later in the growing season. Specific examples include the Muddy Creek. As an alternative to additional water storage facilities, the County supports improved coordination between water users and existing storage facilities.

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

Conveyance Systems

Associated inherently with the storage facilities is the system of canals, ditches and pipelines which supply the water to its place of use. These conveyance systems transport the water from the natural streams to irrigable ground, operate power plants, and provide water to the communities. The resulting network runs for hundreds of miles throughout the County. The County recognizes this system as necessary to our way of life. The County supports any effort which will improve these systems, decrease seepage losses, and promote better management practices, i.e. the County-wide Colorado River Basin Salinity Control Program (CRBSCP). The County acknowledges that the major canals have accompanying prescriptive right-of ways that were established when the systems were constructed. These right-of-ways are not specifically defined widths and lengths, but rather are recognized as areas along either, or both sides of the canals necessary for access, maintenance, operation, and improvement of an associated canal or pipeline. In many

locations, the CRBSCP projects have resulted in pipelines being placed within the same right-of-way as the canal which is being replaced; while other situations require entirely new routes and right-of-ways. Although, some canals may no longer be functioning, the associated right-of-ways remain until formally relinquished.

In-Stream Flow

Traditional water management has focused on improving the resource to meet the needs of the users. Recently, the concept of water resource development has been enlarged to include recreational and environmental uses. In 1986, the Utah State Legislature included in-stream flows as a beneficial use, subject to the laws of appropriation. In 1995, the State included parks and recreation as a beneficial use. This change of philosophy comes largely on the heels of the water development period which occurred prior to 1980. Many streams in the State have been controlled with storage reservoirs and diversion structures. Prior to these control structures, the natural stream flows were unpredictable and destructive. Without reservoirs, the mountain snows melted in the spring and flowed down the canyons, eroding the channels, carrying rock, soil, and canal diversions downstream. The runoff would last about four to eight weeks and then the streams would revert to base flow. Diversions were precarious. Flows to farms and municipalities were unpredictable. The large flows were destructive both to man and the environment. Once the streams were controlled, diversions became predictable, vegetation became established in association with the channels, riparian zones were healed, and people began to believe that this was the way nature intended things to be. The basic problem, rising from the change of economic focus to include recreation and environmental uses, is that these "new" uses did not finance initial water development. They were a favorable byproduct of development financed by agriculture, municipalities, and industry. Further, the general populace no longer sees the large runoff flows going unused downstream. They see placid lakes, meandering streams, and water in their faucets.

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

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

"Wilderness", "Wild and Scenic Rivers", and "Endangered Species" designations are federally legislated. These designations could adversely affect all rivers and streams in Emery County. The intent of these laws circumvents existing state water laws and is not favorable to the well-being of the County. The County's position is to oppose any taking of existing water rights, both diversion and storage for such purposes.

The County declares that any water dedicated to federal use must be appropriated under state law. The date of that appropriation will be set in accordance with state law. The County further declares that existing users have the right to fully develop their existing diversions and storage rights.

Wetlands, Riparian Areas, Flood Plains and River Terraces

The preservation of wetlands is federally mandated. The definition of wetlands is subject to federal wetlands designation definitions and judgment. Desert Lake Waterfowl Management Area, near Elmo, in Emery County is one of only two managed wetlands in the West Colorado River Basin (Utah State Water Plan - West Colorado River Basin - August 2000). Other wetland areas; as well as riparian areas, in the county are associated with natural and man-made water conveyance and storage systems, and irrigation practices. Wetland areas provide important food, cover and nesting sites for wildlife. The State Water Plan continues; "The DWR should use best management practices to protect and enhance identified significant wetland and riparian areas". The County recognizes that conservation practices are important and endorses such practices within this plan. The County declares that any water rights which are designated for wetland use must be obtained in compliance with the state water laws of appropriation.

Riparian areas in the county, like wetlands, occur almost exclusively within flood plains associated with water courses. Flood plain locations are depicted on maps in the County Zoning document, and in the Emergency Operation Plan; thus, enabling the County to appropriately preclude improper activities within them. Inclusions of these areas in these two documents facilitates protection of valuable habitat resources as well as prevention and/or minimization of the impact of major emergencies and disasters on the health, safety and property of the citizens of Emery County, their businesses and environment.

Elevated above the historically and currently active flood plains are river terraces. These features provide productive agricultural croplands and grazing lands, and sources of commercially valuable sand, gravel, and boulder (riprap)

resources. Additionally, the terraces provide locations for residential, commercial and industrial building sites. The County supports utilization of these areas for the stated purposes and addresses their significance in its Zoning Ordinance.

Salinity

The rivers of Western Emery County emerge from the mountainous canyons and run for miles across the Cretaceous marine deposits known as the Mancos Shale. These marine deposits consist primarily of lenses of calcium sulfate (CaSO_4). These lenses are water soluble and when exposed by stream erosion both within the natural river channels and the myriad of man-made channels, salts are absorbed by the water. Water, diverted to irrigate cropland and pasture, deep percolates through the saline sediment, dissolving and transporting salts to the river system. The amount of salts being transported by our streams are measured as Total Dissolved Solids (TDS) and the units are milligrams per (mg/L) or parts per million (ppm). The TDS of our streams entering the valley are about 300 mg/L. The TDS of our streams leaving the Mancos Shale formation varies from 2000 mg/L to 5000 mg/L. Additionally, conveyance losses due to seepage and on-farm flood irrigation methods with the associated excess runoff ("waste water") contribute to the salinity (TDS) of the return flows. However, they also contribute to the man-made wetlands, and riparian areas in the County; both of which provide valuable wildlife habitat. This situation is consistent throughout the entire upper Colorado River drainage basin.

In June of 1974, Congress enacted the Colorado River Basin Salinity Control Act (PL-93-320) (SCA). SCA and subsequent related legislation authorizes the U.S. Department of Agriculture (USDA), acting through the Natural Resources Conservation Service (NRCS), to implement salinity control throughout the Colorado River Basin. For the most part, this consists of conservation measures. As prescribed by the Salinity Control Act, impacts to wildlife habitat foregone resulting from salinity control implementation, are evaluated to assure that replacement of habitat is "concurrent and proportional" to installation of salinity control measures. With concurrence from U.S. Fish and Wildlife Service, habitat replacement acreage is to exceed two percent of improved irrigation acreage. The County's position will be to continue to endorse practicable conservation measures that ensure the needs of the County water users are met, now and in the future. The County reiterates its position that water conserved will be used within the framework of present state laws and for purposes that are defined within the adjudication of existing water rights.

In 1984, PL 98-569 amended the Salinity Control Act, authorizing the USDA Colorado River Salinity Control Program (CRSCP). In 1996, the Federal Agricultural Improvement and Reform Act (PL 104-127) combined four existing programs, including the Colorado River Basin Salinity Control Program, into the Environmental Quality Incentives Program (EQIP).

All federal actions are governed by the National Environmental Policy Act of 1970 (NEPA). Subject to NEPA, a Planning Report/Final Environmental Impact Statement was published in December 1993, by United States Department of Interior (USDI), Bureau of Reclamation (USBR) and United States Department of Agriculture (USDA), Soil Conservation Services (SCS), now Natural Resources Conservation Service (NRCS), establishing the Price-San Rafael Rivers Unit (PSR) of the Colorado River Basin Salinity Control Program (CRBSCP). The NRCS' Price-San Rafael Rivers Salinity Control Unit/Project (PSR) encompasses 66,450 agricultural acres irrigated with water diverted from tributaries of the Price and San Rafael Rivers in carbon and Emery Counties. "The EIS addressed 66,450 acres of agricultural land with water rights. Due to lack of water, 36,500 acres were actually irrigated in any given year." (Price-San Rafael Rivers Unit Monitoring and Evaluation Report (MER), FY2014, April 20, 2015). "For analysis, the acreage was divided into six sub-units, primarily by canal system. Over time, additional acreage was added in the Helper area, north of Price, Utah. The PSR unit and its sub-units are mapped in red, on the cover of this [MER] report." In 2007, NRCS and USBR reviewed available literature and came to a consensus agreement on the most reasonable annual salt contribution of 430,0000 tons/year from agriculture. The majority (approximately 75%) of the PSR Project area is within Emery County.

In FY1997, the first salinity contracts were obligated in the Price-San Rafael Rivers Unit, using financial assistance from the Environmental Quality Incentives Program (EQIP). EQIP funding is authorized through September 2018. According to the FY2014 MER, since 1997 treatments have been applied on approximately 32,200 acres (94%) of what was planned. "In FY2014, 1,466 acres were planned and 1,535 acres applied" (105%) The resulting salt load reduction applied has been 96,000 tons/year; with 4,375 tons/year applied on-farm in FY2014. "With concurrence from U.S. Fish and Wildlife Service, habitat replacement acreage is to exceed two percent of improved irrigation acreage, or 740 acres through FY2014. Actual habitat replacement in PSR is about 3,339 acres, or 10.4% of improved irrigation acres. Opportunities remain for additional salt control. NRCS will continue to use its resources to implement salt control and habitat replacement consistent with its authorities and resources.

The only remaining salinity control project yet to be implemented in Emery County is the NRCS' Muddy Creek Salinity Control Unit (MC), in the southern portion of Emery County which encompasses 6,050 agricultural acres irrigated

with water diverted from Muddy Creek and its tributaries. MC was established by a 2004 Environmental Assessment (EA) and Finding of No Significant Impact (FONSI). According to FY2014 MC MER, "The first USDA projects were funded in FY2010. The 2004 EA anticipated treating 6,050 acres, building a small reservoir and two ponds, and replacing 28.66 miles of canal with pipeline, controlling 11,677 tons/year of salt. Through the end of FY2014, USDA has treated 70 acres controlling 99 tons/year, on-farm (1% of EA projection). Of the original 6,050 irrigated acres, 5,920 acres or 99% have yet to be planned for irrigation improvements. Lack of hydrologic infrastructure is the primary impediment to progress." "With concurrence from U.S. Fish and Wildlife Service, habitat replacement acreage is to exceed two percent of improved irrigation acreage, or 1.4 acres through FY2014. No actual habitat replacement has taken place in MC. NRCS is actively seeking habitat replacement opportunities."

Emery County recognizes that completion of the Muddy Creek Salinity Control Unit is crucial to salinity control in Muddy Creek, and ultimately the Dirty Devil River.

Weather Modification

Emery County water users have, for many years, participated financially in government sponsored weather modification programs; and, in fact, conduct their own weather modification programs. The County encourages further participation and investigation of ways and measures of modifying our natural weather patterns for the benefit of the County.

Education

As the focus of water management practices and projected needs change from traditional concerns to include environmental concerns, the need for water education becomes paramount. It is important that our citizens understand the necessity of the control structures which manage our water resources. It is equally as important that they understand that the state appropriation laws protect our water rights from being superseded by federal mandates and designations. It is important that we remember the conditions which existed prior to the development of our water resources and appreciate the reasons for the system of management that exists on the rivers of the County. Education is necessary to understand where our water resource comes from, how it is managed, and how it can be conserved. The County supports and encourages educational efforts in our schools and in our local media by Emery Water Conservancy District, the Castle Valley Special Service District, and the Utah Division of Water Resources (UDWRe) Water Education Program.