

**Written Testimony of David Hinkins**

Utah State Senator

Federal Lands Action Group Forum

October 26, 2015

**DRAFT FOR UAC CONSIDERATION ON THE MANAGEMENT OF PUBLIC  
LANDS IN UTAH PURSUANT TO HB 148**

September 20, 2012

**Guidelines**

- Designate the Public Lands Policy Coordinating Office to manage these lands as “The Utah Department of Interior” (UDOI) and work with the Departments of Agriculture and Natural Resources to accommodate management of all natural resources on the public land of Utah. PLPCO will unite the executive department and counties and collect fees.
- The Utah Department of Agriculture will be directed to manage public land grazing utilizing the Grazing Improvement Program (GIP) sanctioned under the Utah Rangeland Improvement Act. The Regional and State Grazing Advisory Boards will also function to make recommendations and monitor the agency. The GIP Technical Team Range Conservation Officers already assigned to the various districts of the State will perform trend studies and monitor the range with the coordination and cooperation of the affected county commission and the established Grazing Boards.
- The Department of Natural Resources (DNR) will furnish specialists from each agency under its control for management and recommendations to assist with the various needs of the UDOI.
- The Division of Oil Gas & Mining (DOG M) will continue to regulate mining, oil and gas, gravel and the permitting, monitoring and recommendations for proposals and necessary functional inquiries with full knowledge of and in coordination and cooperation with the affected county commission.
- Utah Forestry, Fire and State Lands (UFF) shall have oversight on timber management, and put out fires in coordination and cooperation with the affected county commission and Sheriff. The Department of Environmental Quality (UDEQ) shall outline the needs for water, air monitoring and other recommendations, proposals and necessary functional inquiries in coordination and cooperation with the affected county commission and Sheriff.
- The Department of Wildlife Resources (DWR) shall plan for and manage all wildlife in Utah in coordination and cooperation with the affected county commission.

All above departments will coordinate with UDOI. Involved Counties will also be required to be involved and to approve through a public hearing any proposed action within its’ county boundaries.

**Requirements**

All public lands in Utah will be managed for multiple use and sustained yields of grass, minerals and timber. Other resources will also hold a high value and be a part of the multiple use concept of public lands management.

1. No State NEPA will be enacted. In lieu of NEPA the affected county commissions where land use actions will take place will conduct public hearings on any proposed action. The counties will update and utilize their master plans to memorialize this action. Decisions made through the open public hearings process will also affect the enforcement of the county's Master Plan.
2. No allowance of equal access to justice type legislation at a state level. No Non-governmental organization or environmental group can profit by suing the State or a County. All public hearings to decide land use and planning actions would fall under the government immunity statutes of Utah Code.
3. State management prescriptions, regulation and agency directives will be consistent with county/city/tribal plans to the maximum extent possible not in violation of prior existing statute. The Legislature will consider statutory amendments that facilitate more local control over land use.
4. All affected counties/cities/tribes will be informed of any agency proposed actions within their jurisdiction prior to implementation and will need to be approved in a public hearing prior to that implementation. Counties shall be given all necessary information and support from state agencies as needed to facilitate the function of the public hearing process.
5. The state will implement not only management of previously held federal lands with the cooperation and coordination of the affected county commissions but will begin a process of returning State Agency property previously held as private property back to private ownership throughout the state by the use of Conservation Easements (CEs) or sales. With the use of CEs wildlife use and management shall continue under the direction of DWR but it would also increase the productivity and economic viability of the land by returning the ownership back to private citizens. It would give future generations of agricultural producer's opportunities to continue the tradition and occupation of farming and ranching in Utah. No lands will be held by DNR/DWR; except for needful working facilities. Other than that, all State lands will be held in trust by the UDOI except those needed for management facilities or other needful things. The Utah Association of Counties (UAC) will look into a process of becoming a land trust or allowing counties to become land trusts to hold and enforce the use of Conservation Easements within their jurisdiction. It is a priority for most rural counties in Utah to convert or return many of lands once held by private citizens to the private sector for their tax base, and to support and enhance their livestock, timber and mining industries. Sales of any land without a CE shall have a covenant by deed placed on it that the land shall not be used for conservation use.

### **Specifics**

The major goals shall be:

- Establish a permanent usable ground cover that will reduce erosion and promote livestock forage and use.

- To meet and increase the opportunities for natural resource production in all forms and in doing so maintain the opportunities for our families to remain and live in the State of Utah.
- To responsibly explore for and extract minerals. All areas of high potential shall be open to mineral exploration and development. As technology increases, the opportunities for deeper mineral extraction, some medium and low potential areas may become eligible for development; those areas will be opened. All reference to minerals will also equally apply to mining interests and those public land uses directly related to minerals such as the need for corridors to transport minerals whether the corridor contains pipelines, transmission/telephone facilities, or roads etc. These actions shall be protected and managed locally.

### **Transportation**

All roads claimed as public roads in any county will be managed and maintained under the provisions of existing state law by the county and state as holding joint ownership.

### **Livestock**

In areas of desert, timber, grasslands and sage brush steppe, livestock grazing will be the highest and best use of public lands. Existing rights to graze will be acknowledged and allowed. In time of low precipitation, fire or other inclement conditions, Animal Unit Months (AUM'S) may be reduced to protect resources. In other times of high precipitation, AUM's will be allowed to increase over the normal allowable use to the maximum extent reasonable, to maintain a stable or increasingly functioning range and to manage cheat grass bio-mass build-up and other noxious plant species. In this manner, wildlife will utilize public lands in the county to a higher degree, and reduce the impacts by wildlife to private lands. All stock water rights and range improvements on public lands will be in the name of the Permittee and transferred to that Permittee if the permit ownership is transferred. If a permit is sold, the permit holder will be entitled to remuneration for the collateral value of any improvements on permits including the water right value. Permittees will be responsible of all range improvements on his or her permit [s]. Range improvements will be performed and be owned by the holder of the permit.

Livestock AUM's cannot be used for conservation use. Sales of any public land permit for wildlife use is conservation use and will not be allowed. Wildlife will be managed better and have a better opportunity to increase and be more healthy in an environment where livestock grazing is managed, monitored and not unduly restricted.

### **Wildlife**

Wildlife will be the direct beneficiary of the proper management of lands for the benefit of livestock use. All wildlife management by DWR, (changes and/or addition of species, increases in species, hunting areas and numbers etc.) will be coordinated with the county and consistent with that county's goals for wildlife populations. Any changes in wildlife management will be

proposed to the county commission and a public hearing will be held, for a decision prior to implementation.

### **Timber and Vegetation**

The adoption of the Wildland Urban Interface Area (WUI) Code by counties in Utah may have prevented wild fire from destroying a few homes in Utah, however, no amount of brush or vegetation removal will prevent the destruction of some homes when catastrophic fires such as those occurring in 2012 take place. Because of bad management thousands of acres of viable timber on public land in Utah became dangerous then were allowed to manifest into the extreme occurrence endured in 2012.

In order for fire prevention and control to occur; fires must be put out on discovery. Dangerous stands shall be recognized and a controlled burn will be done. Commercial logging and private fire wood collection and prescriptive grazing will be encouraged and allowed on all our public forested lands. All planning actions for timber management and WUI areas will be done by the Utah division of forestry and fire in coordination with the County Fire Marshall and Forester and approved in a public hearing by the affected county commission.

Conifer forest densities will be no more than 60 trees per acre. 57 trees per acre will be optimum. Any trees over eight inches (8") in diameter will be identified for removal as well as all dead trees. Use of dead trees will be promoted and allowed in order to thin out biomass. Grasses and Aspen will be managed to improve watershed functions. This will hold true for alpine conifer species as well as Pinion and Juniper (PJ). In upper and mid step elevation areas PJ stands will be clear cut leaving areas needed to support a natural grassland and sage brush mosaic.

Quaking Aspen is a desirable species in the upper steppe and the mountains of Utah. All efforts to promote and maintain these communities will be a high priority including wildlife population numbers. The understory of Quaking Aspen communities contain the best watersheds, and abundance of the most desirable and palatable grasses for wildlife and livestock. They also deter fire regimes.

### **Grasses and Sagebrush**

Where feasible, the grass sage brush mosaic is desirable for a more diverse habitat area. In other areas either grass or brush grows. These areas will be managed as slope, soils and precipitation allows. Evaluation of the brush canopy and needs of the soils, coupled with livestock management, to maintain a diverse source for all species will be monitored by the Grazing District Range Specialist. The Specialist will work with local county staff and report periodically

to the County Commission on any planning for range projects or other actions that could be considered for comments under a public hearing process.

### **Maps Attached**

**Drilling Map;** All areas of High to moderate potential under DOGM Standards using newest updated technology

**Mining Map;** all areas over and around the mining potential areas.

**Locatable Minerals Map;** also show these area gravel etc.

**Forest Mapping;** Thinning, Timbering, and Wildland/urban interface areas Mapping

**Invasive vegetation area Map;** include cheat grass and species management including catastrophic fire high potential areas.

**Wildlife map;** Show areas where reduction by increased hunting by species is needed. Also other areas where historically a different more prevalent species existed not just “species of concern.”

**Transportation Mapping;** showing all the roads public and private marked as such with all the trails for OHV use.

**Grazing District Livestock Allotment Maps;** Grazing district map, show season of use and AUM's/Livestock species in the data base.

Continue to promote studies on real carrying capacity and management studies from USU.