

**Joint Planning Commission Meeting with
Public Lands Committee
County Administration Building
Duchesne, UT
July 6, 2022 – 5:00 pm**

In Attendance:

Gary Sorensen, Planning Commission Chairman
Connie Sweat, Planning Commissioner
Thomas Winterton, Planning Commission Chairman
Bobby Drake, Planning Commissioner
Ken Richens, Planning Commissioner
Keith Hicken, Public Land Use Committee-Recreation
Ryan Lundstrom, Public Land Use Committee-Economic Development
John Barton, Public Land Use Committee-Historical & Cultural
Kent Bastian, Public Land Use Committee-Farm Bureau

Mike Hyde, Community Development Administrator
Mike Gottfredson, Assistant Community Development Director
Becky Broadhead, Executive Secretary of Community Development

Visitors

Tracy Killian
Peggy Killian
Dean Sellers, Moon Lake Electric

Chairman Sorensen opened the meeting at 5:03pm and read the Rules of Order for a Public Hearing. He asked if any of the Planning Commission Members or Public Land Use Committee Members had any ex-parte contacts or conflicts of interest associated with any item on the agenda. There were none so the meeting proceeded.

Public Hearing

A. Recommendation to the County Commissioners regarding Resolution #22-04 Amending the General Plan

Mr. Hyde began the meeting by explaining that the county has an original general plan that was developed in the early 2000's. Some of you in the room were on the committee. The plan was expanded tremendously after the state legislature, about 5 years ago, required that the counties prepare resource management plans in an effort to demonstrate how the county would prefer the federal lands in the county be managed (especially the BLM and the Forest Service Lands). We went through a process in 2017 that added a number of chapters to the general plan, and then last year the state legislature required that counties dive a little deeper in those five areas that Commissioner Sorenson mentioned (that being access to public lands, renewable energy, critical minerals and rare earth elements, utility corridors and pipelines and infrastructure). This effort is being managed at the state level by the Utah Public Lands Policy Coordinating Office (PLPCO) and they received an appropriation from the legislature to hire a consultant, Bio West Consultants, to prepare some language that counties could add into their plans to meet the state requirements. Even though it was a state mandate, they also provided some funding to develop some text for consideration that you'll see in this resolution tonight. We've modified the text where needed to suit our special circumstances here in Duchesne County. This is a recommendation to the County Commissioners who are scheduled to have their public hearing on this general plan amendment on July 18, 2022 at 1:30 pm.

Planning Commission Minutes

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We have a quorum of the Planning Commission here. We have five out of the seven. The Public Lands Committee has four out of nine, so the Public Lands Committee does not have a quorum. The four Public Land Committee Members can participate in the process tonight by commenting and asking questions, they just won't be able to take a formal vote or make a formal motion to the County Commissioners.

Utah Code does require that the Planning Commission hold a public hearing and make a recommendation to the County Commissioners on any kind of a general plan amendment. Looking at the resolution, it is pretty much boiler plate language that has been developed for all counties to use.

Mr. Hyde outlined the contents of the resolution which was provided in the agenda.

Public Land Use Committee Member Ryan Lundstrom asked if there is currently a move on BLM and or the forest to restrict access? I know there was a huge move not too many years ago? Has that backed off or are they still trying to restrict access?

Mr. Hyde replied that we are seeing it mostly on the BLM lands. The BLM field offices all created resource management plans back in the 2008 timeframe and they designated which roads and areas would be open for motorized recreation. They were sued by environmental groups saying that there was too much land and roads open for motorized vehicles and that would impact habitat and opportunities for solitude. The BLM entered into a settlement agreement with those litigants and agreed to do more in depth travel management planning. Those travel management plans are currently being looked at across the whole state. With my role in PLPCO, I have been involved with BLM in looking at travel management plans recently in the Book Cliffs, the Dino North Area north of Vernal up into Daggett County, and most recently in the Nine Mile/Pariette Wetlands Area. So as part of this settlement agreement they are looking at every road out there on the ground and determining if the road is actively used and rather it is needed for a variety of multiple uses including OHV travel. They are also looking at whether the roads have been abandoned and if they are reclaiming and are no longer needed. As they prepare these travel management plans the county and state are trying to keep as many roads open as they can for multiple use. The environmental groups are on the other side trying to close as many as they can for wilderness character. Whatever happens will probably be subject to more litigation. Someone is not going to like the plans ultimately so the courts will end up deciding. Our local policies are to try to keep as much access as we can. Mr. Hyde highlighted some of the land access policies in the plan

Planning Commissioner Winterton asked if the Questar Pipeline that they just installed; the 8" line, is it not considered a major pipeline?

Mr. Hyde replied it was not showing on the inventory. It is, however, considered one of the larger pipelines.

Planning Commissioner Winterton stated it wasn't registering as one of the major ones, it's just an artery?

Mr. Hyde replied right. The one that we've been dealing with on Highway 40 with all the construction in the last couple of years is a pretty major line, but not large enough to be noted in this inventory.

Commissioner Winterton asked about energy corridors; believing that most of us support that kind of thing, but when you have a line like Transwest that in no way is going to benefit the Basin where we will not benefit from the power but it goes through us, what will it do to our property values, tax values and farms? What is the plan there? Are we supportive of this in the general plan?

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Mr. Hyde replied that the plan addresses that on line 481. It says Interstate transmission lines (like Transwest Express), should provide access for utilization of energy by citizens of Duchesne County and the state or supply significant and continual incentives that benefit the citizens of the county and state.

That was one of the main objections we had with Transwest is that it takes the power from south central Wyoming down to Las Vegas for distribution around the desert southwest. We are not getting any of that power here. We will get some property taxes from it. They will become one of the larger property tax payers by virtue of having the facilities in the county. There will be jobs generated as they build it. It will be good for hotels, motels, RV Parks and restaurants. Hopefully there will be some local people constructing it. Then there will be some jobs associated with operation and maintenance on the line. Still, we are not getting any of the power from it.

Planning Commissioner Winterton asked: Will we see an increase in property taxes from it?

Mr. Hyde replied yes. That's the theory in the EIS (social economic) portions.

Public Land Use Committee Member John Barton: Questioned if Transwest will pay for the property tax or the land owner will pay for the additional tax?

Mr. Hyde replied that the operator of the Transwest Express Power Line will pay significant property taxes to the county.

Planning Commissioner Winterton wondered if we will see a drop in property tax if you have a ranch and the transmissions line is going across it, is it detrimental to the value of the property? Do they offset each other?

Mr. Hyde said It probably depends on whether or not you can farm under the power line, and if you're not losing a lot of acreage associated with that situation. There will be poles every thousand feet or so, that will impact the operation I'm sure. Other than that, one can still farm under the lines in a lot of cases.

Planning Commissioner Winterton asked as far as property values with the county as a whole entity do you see reduced value in the land that you're collecting property tax off of or will this be a surplus and basically wash out?

Mr. Hyde replied that he thinks most of the land that is being farmed is on green belt assessment, and there are very little property taxes associated with that property. The power line is going to generate probably millions of dollars. It will be a good thing in terms of property tax for the county, ultimately.

Public Land Use Committee Member John Barton noted that when they built the power line that runs through his field, in 1983, they just came in and big footed it. The property owners had little say in the matter. My point is to piggy back off Tommy's comments and concerns. If you're a land owner and that gets a general approval then you have no say in the matter and generally speaking you don't even know it's under consideration until it is largely a done deal. So, we hope that is not what will happen in the future.

Mr. Hyde explained that when power companies propose power lines through private property they have to start negotiating for easements. Some property owners are willing to provide the easement and there has to be an agreed upon price. If people do not feel it has a fair market value then it may go into eminent domain and a judge determines what it's worth based on appraisals to determine it's worth.

Chairman Sorenson asked if we had a map proposal for TransWest Express?

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Mr. Hyde replied yes, and the map was located in the back of the packet as an Exhibit to the Resolution.

Planning Commissioner Drake verified that TransWest Express has already been approved about 6 or 7 years ago and they are now just now getting to the construction?

Planning Commissioner Winterton stated he didn't want to detract. He just wanted to know the language that is supportive and how it was handled.

Mr. Hyde noted that Page 12 Line 481 addresses that question.

Planning Commissioner Richens had a question about water pipelines. Are they planning on taking more water?

Mr. Hyde replied no. The Central Utah Project already took a lot of water from us. They collect it up at Stillwater Reservoir and they pipe it over to the Wasatch front. Yes, we've lost a lot of water from the CUP and unfortunately, they have never completed the CUP and helped the county become whole when it comes to water. Larry Ross, Former County Commissioner was very adamant about that. We have water rights on the Green River, but the CUP never helped us get the water over here where we can use it.

Planning Commissioner Richens noted, in other words, the CUP never lived up to their side of the bargain and it has left a lot of people sore.

Mr. Hyde agreed and said they came out to the county in the 1960's and made a lot of promises. They fulfilled some of them like the Starvation Reservoir being built and some of the other projects, but not all of it got done, unfortunately.

Planning Commissioner Richens had a comment about the Chevron Pipelines. They have two of them and one of them doesn't even carry oil. I believe it carries nitrogen. They're going to have to either do away with it or improve it.

Mr. Hyde noted that there have been a couple of pipeline projects to transport oil from the Basin to refineries. Tosoro proposed a pipeline through the county a few years ago. It got shut down in Summit County. The big problem is with our waxy crude it is difficult to transport it by pipeline unless you can keep the pipeline heated by solar or some other way. Then there was talk of a pipeline from Myton to the Price/Wellington area before the railroad proposal came up. That has not materialized. Maybe it won't if the railroad gets constructed. If the railroad does not get constructed we might hear more about a pipeline heading south.

The pipeline and infrastructure goals, objectives and policies start on page 26. One of our goals is that we support efforts to build and invest in necessary infrastructure including additional pipelines, dams, reservoirs, above and below ground water storage facilities and other feasible infrastructure.

Page 29 line 1185 talks about completing the Central Utah Water Project that was originally proposed and fulfill all the promises that were made to the Uintah Basin to mitigate for the transfer of water to the Wasatch Front.

Public Land Use Committee Member Ryan Lundstrum questioned when you talk about permits under the policies for section 3 on the last line 175. "Duchesne County supports administrative access for all valid permit holders." I was wondering which permits those were specifying?

Mr. Hyde replied it could be a number of types of permits. It could commonly be a grazing permit, so the rancher could access federal lands because he holds a grazing permit. It could be a permit for a communications tower so the

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company with the tower could get to it. It could be recreation permits for hunting, guiding, or a cabin on forest land. It's a wide variety for federally issued permits. We don't want them to close off the access.

Public Lands Committee Member Keith Hicken raised water issues. They took out the pioneer dams eight years ago with the agreement to expand Sand Wash. Why not leave some of those in? When we're dealing with the forest or with BLM, we have little say when it comes to decisions made in Washington DC. We've had little say with the CUP as soon as they got the water needed for the Wasatch front. Right now, Lake Mead and Lake Powell are at 21% and yet Los Angeles and Phoenix are dependent upon that very water and we're still not utilizing all of ours from the Colorado River Storage Compact. While I applaud what is in the resolution, how do we put any teeth in to it?

Mr. Hyde replied that is the reason why the legislature back in 2016 required all 29 counties in the state to adopt the resource management plans to have more say into what happens on federal lands. So, if a project comes up on BLM or Forest Land and we submit a comment letter, we can say that we have this Resource Management Plan on the books and these are what our policies are and federal agencies are supposed to make their plans as consistent as possible with local plans while still being consistent with federal law. We didn't have that before. Some of the counties had Public Lands Policies. Duchesne County has had theirs for a long time. (Since the early 2000's when that first Public Lands Section of our General Plan was developed.) Now all 29 counties have these Resource Management Plans so when we have a seat at the table with the Feds we have some backing with these local plans and policies. The State has PLPCO that tries to coordinate with the counties as we make comments to the federal agencies. Between the counties and the state, we are hoping to have more say. But as you indicate, a lot of what happens is based upon the administration that we have back in Washington DC. Right now, it is not a favorable situation for Utah. Right now, we're playing defense. During the Trump years we were playing offense. It remains to be seen what is in the future. We're trying to have a say and make our voices known back in Washington DC which is why our commissioners travel back to Washington DC on a regular basis to attend meetings and talk to our congressional representatives and staff and let them know what our problems and issues are out here and try to make things happen.

As there were no additional questions for the staff, Chairman Sorenson called for any comments from the public.

Public Land Use Committee member Keith Hicken offered additional comments. He said he received this packet last week and had reviewed it thoroughly. As we've talked about this today, it seems to me that we don't have a leg to stand on for any of this stuff. We've seen it in our history. I had the opportunity to ride up on the forest last fall and again this year where we had that burn scar up on the Stillwater area and crossed over to Moon Lake. It is devastating to all of us. I don't know, but I would assume that the county is paying the bill for pushing all the rocks off the road every day. It has to be a big expense to us. To me it's like, how do we get the forest service to let us local people harvest some of those dead trees up there instead of letting them fall on the ground and rot? If we were in Japan they'd have every stick there was off the mountain and put to good use. I think we have a lot of waste here in our area. Regarding the CUP project; it was great; We signed up and they got what they wanted. It seems as if we have no way to combat that. It doesn't matter if it's Republican or Democrat in charge, we still have no say. It's concerning to me. We have all these wonderful things, but we're stuck in that hard spot.

Chairman Sorenson called for any other public comment.

Tracy Killian offered comments. I'm like Keith Hicken. As I've ran for County Commissioner, I've talked with a lot of people all over this county. Water is the #1 resource that has to be protected and somehow, we need to make CUP ante

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up a little bit, and I don't know how. We need to work on completion of the CUP. Moon Lake Water users, I sat on that board for a lot of years. We proposed several times a small dam in Uintah Canyon. We tried to go in on the forest and build above the Indian ground, and we tried to construct a dam on some other sites. If they had a reservoir over there on that side just to catch the excess water that comes off that mountain, it could be held back and spread out. Ken Richens understands what I'm saying. There is a lot of water and then there's nothing. It's a real problem. That was one of our priorities that Moon Lake Water Users always had on the Sand Wash Project. I came on board when they completed it, but I wasn't on the board when they made the agreements to destabilize those high mountain lakes. It was a terrible deal. You take the Altonah people and those people up there that relied on the Yellowstone River. When it gets dry and that river isn't yielding the water, they do not get the water, and they're all Moon Lake Water users. They'll have water sitting over in Moon Lake in storage, but they cannot use it because the Yellowstone River does not yield the water. I've always said, "When the CUP was so adamant about taking those higher mountain lakes out, why wasn't a pipeline brought from the Lake Fork River over to the Yellowstone River. It could have been done at that time with negotiations. House bill #168 was for hydro-electric, but it gave the governor 100% rights to prioritize and to change our priorities of our water which is a very bad deal. You have two big dams down the Colorado River that's hydro-electric dams. I said, "Utah made a terrible mistake. They need to go in and rescind that bill because they've already set a precedent that we gave one man the power to make decisions. We do need to work on small reservoirs to save our water. The Fruitland area has potential and I don't know why they haven't had more infrastructure help to develop some of those springs. There's a lot of this I'm in favor for, but some of it I'm not.

I don't like the idea of these big corridors. Transwest just grazes my property. I've got to look at it for the rest of my life. It didn't impact me, but it impacts my neighbors immensely. I think the county should have helped and they should have organized everybody and everyone should have pushed that right out. When you talk about taxes, it's hard to say what the economic value will be because they've taken out some good farm land. It won't be farmed under those power lines.

Chairman Sorenson asked if there were there any other comments?

Mr. Hyde responded that the staff agrees with a lot of what Mr. Hicken and Mr. Killian had to say and this resource management plan is to help us have more say in public lands management decisions. If you look back on pages 28 and 29 of the resolution there are a number of goals and policies that call for some of the very things they called for: Protecting our water, needing more reservoirs, etc. I believe this is a step in the right direction in letting the federal agencies know where we stand regarding projects like Transwest Express. Commissioner Winterton and I spent many hours trying to combat that, and we were proposing to force them to re-route that line until we discovered a state law that says that if a local government forces a utility company to relocate a power line from their desired route then the local government has to pay the difference in the cost of relocating that line. It would have cost the county millions of dollars to force them to go a different direction. That is when we had to back off.

Chairman Sorenson closed the public hearing and entertained a motion from the Planning Commissioners.

Planning Commissioner Winterton motioned that we forward proposed resolution #22-04 to the Duchesne County Commissioners with a favorable recommendation.

Planning Commissioner Sweat seconded the motion. The motion passed unanimously.

MINUTES

Planning Commissioner Drake moved to accept the minutes for the June 1, 2022 meeting.

Planning Commissioner Sweat seconded the motion. The motion passed 4-0-1 with Commissioner Winterton abstaining as he was not present at that meeting.

The meeting adjourned at 6:07pm.