

RESOLUTION #24-10

A RESOLUTION AMENDING THE RESOURCE MANAGEMENT PLAN ELEMENT OF THE DUCHESNE COUNTY GENERAL PLAN TO AMEND POLICIES ASSOCIATED WITH ACCESS TO PUBLIC LAND

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

WHEREAS, Duchesne County desires to amend its general plan to include additional policies associated with access to public lands in light of recent travel management actions by federal agencies and a recent court decision; and

WHEREAS, Duchesne County gave notice to affected entities and the public of its intent to amend its general plan on November 12, 2024; and

WHEREAS, the Duchesne County Planning Commission and Duchesne County Public Lands Committee, after public notice, conducted a public hearing on December 4, 2024 to discuss the plan amendments and make a recommendation to the County Commissioners; and

WHEREAS, the Duchesne County Commissioners, after giving public notice, conducted a public hearing on December 18, 2024 to receive the recommendation of the Planning Commission and Public Lands Committee, discuss the plan amendments and consider this Resolution.

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

SECTION 1. The policies in the Land Access section of the Resource Management Plan Element of the Duchesne County General Plan are amended as follows:

It is the policy of Duchesne County that:

1. Access to and across public lands, including R.S. 2477 roads and rights-of-way shall remain open. The right of the public to have unrestricted access to all roads granted under R.S. 2477 or FLPMA Title V shall be held inviolate. As a co-holder of R.S. 2477 rights-of-way with the State, Duchesne County supports the recognition by the federal government of the public use of R.S. 2477 rights-of-way and urges the federal government to fully recognize the rights-of-way and their use by the public as expeditiously as possible. **The BLM must recognize the State of Utah and Duchesne County's vested property rights in our R.S. 2477 rights-of-way as part of any travel management planning process or resource management planning process. In Kane County v. U.S., 2:10-cv-01073-CW, Docket 792 (D. Utah Aug. 9, 2024), the federal district court held that the BLM must treat the State of Utah and counties as "holders" of vested title rights in these R.S. 2477 rights-of-way even if title has not been adjudicated or perfected in court. Therefore, Duchesne County does not give**

the BLM any authority or right to close any R.S. 2477 rights of way that the County has an interest in.

2. All necessary action will be taken to protect access. It is the policy of Duchesne County to use reasonable administrative and legal measures to protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477 and to support and work in conjunction with the State of Utah to redress cases where R.S. 2477 rights-of-way are not recognized or are impaired.
3. The county will identify and inventory roads and participate with federal and state land management agencies in decision-making. **It is the policy of Duchesne County that the Bureau of Land Management must explore, in addition to all existing routes, opportunities for new routes to be opened so as to enhance recreational opportunities, tourism, or to advance the BLM's multiple-use mission in any way as part of any resource management planning process or any implementation level planning process.**
4. Transportation and access routes to and across federal lands, including all rights-of-way vested under R.S. 2477, are vital to the economy and to the quality of life in the County and must provide, at a minimum, a network of roads throughout the resource planning area that provides for:
 - a. Movement of people, goods, and services across public lands;
 - b. Reasonable access to a broad range of resources and opportunities throughout the resource planning area, including:
 1. Livestock operations and improvements;
 2. Solid, fluid, and gaseous mineral operations;
 3. Recreational opportunities and operations, including motorized and non-motorized recreation;
 4. Search and rescue needs;
 5. Public safety needs (including firefighting and EMS); and
 6. Access for transportation of wood products to market;
 7. Access to federal lands for people with disabilities and the elderly; and
 8. Access to state lands and school and institutional trust lands to accomplish the purposes of those lands.

5. **It is the policy of Duchesne County that there is a presumption that a purpose and need exists for each route on federal lands located within the county's boundaries. This presumption may only be rebutted if the federal government proves by clear and convincing evidence that there is no purpose or need for the route. The presumptive purpose and need of the routes in Duchesne County include, but are not limited to, hunting, fishing, mineral exploration and extraction activities, fire breaks, search and rescue needs, scenic viewsheds, watershed management, wildlife management, vegetation management, livestock management, exploration, utility and infrastructure management, water management, staging areas for other uses such as OHV and biking, loop connectivity, having multiple entrance and egress points for safety, and recreation.** Access and transportation needs shall be considered, evaluated and analyzed in the land use planning process. No roads, trails, rights-of-way, easements or other traditional access for the transportation of people, products, recreation, energy or livestock may be closed, abandoned, withdrawn, or have a change of use without full public disclosure and analysis.
6. Future access must be planned and analyzed to determine its disposition at the completion of its intended life. This is to ensure needed access is maintained or that such access is removed and resulting disturbances are reclaimed.
7. Access to all water related facilities such as dams, reservoirs, delivery systems, monitoring facilities, livestock water and handling facilities, etc., must be maintained. This access must be economically feasible with respect to the method and timing of such access.
8. **Duchesne County has the policy and objective to prioritize public motorized uses of routes on federal land unless certain parcels are congressionally designated for non-motorized use.** Duchesne County supports the protection of traditional, customary and cultural access to public lands, including access to the infrastructure needed to meet visitors' current and future needs (such as trailheads, parking areas, restrooms, information centers, and signage).
9. Duchesne County supports expanding access to State and SITLA lands to increase the economic value of such parcels.
10. Duchesne County encourages regular review of existing public lands access infrastructure and future needs in an effort to maintain transportation systems for safe and convenient access.
11. Roads shall remain open for utility and communications companies to ensure reliable delivery of services to citizens of Duchesne County and the state of Utah and allow for the maintenance of current and future infrastructure, including but not limited to transmission and distribution lines, pipelines, and communications towers.

12. Duchesne County encourages the U.S. Forest Service to review and amend the roadless rule to allow for additional access, to reduce fuel loads and to improve water quality and quantity, wildlife habitat, species diversity, and forest ecosystem health.
13. Roads that provide access to and across public lands managed by any land management agency shall remain open unless concurrence on the closure of unnecessary or unsafe roads can be met through cooperation and coordination with the state and Duchesne County. **It is the policy of Duchesne County that any federal classification of a “redundant” route or a “spur” route is not a valid reason for route closures by any federal agency on public lands. On the contrary, such routes provide connectivity and access to different experiences for the public, offer a safer experience by offering alternative routes to common areas, and they serve all of the purposes mentioned in Policy #5 above).**
14. Access to lands managed by the State of Utah shall remain open and new roads established where access to state lands is currently not available.
15. Duchesne County will assist in identifying and inventorying roads and participate with federal land management agencies in the land use planning process including travel and transportation management.
16. Access provided by Utah code 72-5-104 is essential in many instances for landowners to access private property and for the public to access and use public lands. As such, Duchesne County shall avoid vacating the public’s interest in existing roads across private property that provide access to public lands.
17. Duchesne County supports and protects private property rights, including access rights, within the confines of Utah law.
18. State and federal lands and amenities should be accessible by multiple modes of transportation, be inclusive to all persons with disabilities, and follow relevant accessibility guidelines to the maximum extent possible.
19. Duchesne County reserves the ability to maintain and protect access to approved roads, trails, mines, historic uses, in areas under state or federal management, and to add or reroute any access network if needed for the safety, health, economy, and welfare of county and state citizens.
20. Duchesne County supports educational campaigns and marketing strategies that educate the public about access to and multiple-use and sustainable yield practices on public lands.
21. Duchesne County supports and will assist in obtaining and maintaining access to public lands to facilitate vegetation management and wildlife habitat projects being

implemented by the Shared Stewardship, Watershed Restoration Initiative, or other similar programs.

22. Duchesne County will identify individual roads of significant importance and will address associated concerns regarding those roads with federal, tribal and county stakeholders during the management planning process rather than deferring conversations to later dates.
23. Duchesne County supports administrative access for all valid permit holders.
24. Duchesne County supports increasing access to, and providing infrastructure for, outdoor recreational activities on public lands.
25. Duchesne County opposes pauses or moratoriums that limit access to public lands for multiple-use, sustainable yield, historic, cultural, or traditional practices.
26. Duchesne County supports and encourages an expedited NEPA process and policy decisions associated with road or access projects.
27. Duchesne County supports the provision of safe and comfortable access for people of all age groups and physical abilities. This includes, for example, allowing the use of Class 1 and Class 2 electric assist bicycles wherever mountain bike use is permitted in an effort to provide equity in access to federal lands.

SECTION 2. If any provision of the Duchesne County General Plan and Resource Management Plan, as amended, is held to be invalid, void, or unenforceable, the remainder of the General Plan and Resource Management Plan will remain in full force and effect. The County will use its best efforts to find a lawful, alternate way to achieve the result sought by the provision held to be invalid, void, or unenforceable.

DATED this 16th day of December, 2024.

ATTEST:

DUCHESNE COUNTY COMMISSIONERS

Chelise Jessen
County Clerk/Auditor

Irene Hansen, Chairman

Greg Miles, Commissioner

Tracy Killian, Commissioner