

LAND USE PLAN

Chapter 1: Public Lands

Moffat County, Colorado
Amended September, 2001

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Mission Statement:

The mission of Chapter One of the Moffat County Land Use Plan is to promote the custom and culture of Moffat County's residents and land users by identifying Moffat County's position and recommended action steps to support Moffat County's position on public land use issues.

Introduction / Land Use Plan Purpose:

The following plan will act to update the 1994 Land Use Policy Statement (*see Appendix C*), and represent Moffat County's position on public land use within Moffat County. This plan identifies the issues, background, and action steps recommended by Moffat County related to land use planning on federal and state lands within Moffat County. The information contained in this plan is a result of a thorough public input process developed and implemented by the Moffat County Land Use Board (*See Appendix B*). Although Chapter 1 of the Land Use Plan concentrates on public lands, this in no way implies a lack of support by Moffat County for private property rights or protection of private lands and the resources they provide which are integral to Moffat County's custom and culture.

Chapter 1 of the Moffat County Land Use Plan is intended to identify and make recommendations about land use issues Moffat County has identified as relevant to federal and state land management planning. Due to Moffat County's dependence on public lands and accompanying resources, this land use plan is intended to provide direction for federal and state land management efforts in Moffat County. Statements and recommendations within this Plan shall not violate the Constitution of the United States of America or of the State of Colorado. The Moffat County Land Use Plan is continually evolving and addresses dynamic and ever changing issues, and may be amended at any point by the Moffat County Land Use Board, based on need.

County Authority on Federal and State Lands

There are several laws which provide for local government involvement in state and federal land use planning efforts. Many of these laws provide for local government participation in cooperating agency status as well as the ability to influence federal and state planning efforts. Appendix E identifies citations from federal laws that either require or provide for federal agency consultation or notification to units of local governments, including counties (*see Appendix E*). These laws involve general categories of 1) federal land management; 2) wildlife protection; 3) pollution control; 4) roads and highways; 5) resource development on federal lands; 6) plant and animal damage control; 7) federally funded public airports.

For purposes of land use planning efforts and management decisions on federal and state lands in Moffat County, federal and state agencies shall expect that Moffat County will request cooperating agency status, or the equal thereof, in all applicable cases.

Moffat County Land Use Profile

Land Base

Moffat County, Colorado is located in the extreme northwestern corner of Colorado and is adjacent to the states of Utah and Wyoming. Moffat County is the second largest County in Colorado and makes up about 4.57 % of the entire state. Moffat County, Colorado contains 3,028,480 acres divided into the following categories (*see Appendix F*):

46.8% or 1,418,513 A	Bureau of Land Management
6.32% or 191,424 A	State of Colorado
5.1% or 154,161 A	National Park Service
1.4% or 41,763 A	Forest Service
0.40% or 12,150 A	Fish and Wildlife Service
.053% or 1,609 A	Bureau of Reclamation
39.93% or 1,208,860 A	Private Land

Thus, approximately 60% of the land in Moffat County, Colorado is under the federal or state governments' management and control.

Land Uses

- a) Major land uses in Moffat County include but are not limited to:
- b) Agriculture (cattle/sheep ranching, small grain and hay farming)
- c) Mineral exploration and extraction (coal, gas, and oil, gravel)
- d) Electric power generation and transmission
- e) Motorized recreation (hunting, snowmobiles, dirt bikes, four-wheelers, jeep use, motorboats, jet-skis, etc.)
- f) Non-motorized recreation (hunting, hang gliding, horse packing, hiking, rafting, canoeing, fishing, bird watching, etc.)
- g) Rare species management (Greater Sage Grouse recovery efforts and Black-Footed Ferret reintroductions)
- h) Water right issues (Agricultural, industrial, and municipal etc.)

Economics

A more detailed explanation of economics is addressed in the "Economics" section of this plan. However, the following text is provided to demonstrate the economic dependence the County has on federal lands.

The year 2000 Top Ten Taxpayers of Moffat County are comprised entirely of mineral and energy companies. In 2000, \$20,214,930 in revenue was received and, as in all years, the taxes from the Top Ten Taxpayers are 69% of the annual County tax revenue. Several of the Top Ten Taxpayers directly depend on federal lands in Moffat County to generate their revenue. Reducing opportunity for these companies to conduct business on federal lands, proportionally reduces company revenue. The link

between public lands and the Top Ten Taxpayers impacts the local economy in several ways. For example, the County school system receives 55.80% of the annual County tax revenue. Thus, the education and activities in our local school system are directly dependent on federal lands.

Agriculture (livestock and crops) and resource extraction/energy production (natural gas and oil extraction, coal mining, and electricity generation, etc.) are the two largest export sectors in Moffat County. Moffat County ranks among the top producers of wool, sheep, and cattle in the state of Colorado, therefore maintenance and growth of these exports is crucial to the economic base of Moffat County.

Custom and Culture

Definition:

Custom and culture of Moffat County is defined by the activities and values that people of Moffat County, in the past, present, and future, depend upon for well being and subsistence. Protection of private property rights and their associated resources are integral to defining custom and culture in Moffat County. Custom and culture defines the activities which make Moffat County unique. As per this Land Use Plan, the activities which Moffat County's custom and culture rely upon include but are not limited to:

- a) Agriculture (livestock grazing, farming, etc.)
- b) Recreation and Tourism (motorized and non-motorized recreation, water & land sports, hunting, fishing, hiking, etc.)
- c) Industry (mining, electric power production, oil and natural gas extraction, and timbering, etc.)
- d) Water (industrial uses, agricultural uses, recreational uses, and general water resource development and conservation)
- e) Intangible Values (historical and cultural sites, open space values and access to open space, desire for free enterprise, aesthetic values, conservation stewardship)

Moffat County realizes custom and culture is a traditional way of life subject to gradual but continuous modification by succeeding generations. Hence, this plan will require continual modification coinciding with changes in Moffat County's custom and culture, making this plan an evolving document.

Background:

The people of Moffat County have traditionally and will likely earn their livelihoods from activities associated with Moffat County's custom and culture. Moffat County's economy is, and will continue to be dependent upon these activities. Since Moffat County is directly dependent upon its natural resources, management decisions affecting public land directly impacts and changes Moffat County's custom and culture. Therefore, a critical tie exists between the use of private, federal, and state natural resources and the economic stability of Moffat County. It is imperative that stakeholders and informed representatives review natural resource issues as they occur, to assure public land management decisions do not negatively impact Moffat County's custom and culture. The Moffat County Land Use Board acts to evaluate the effects of federal and state land management actions on the custom and culture of Moffat County.

During the public input process to update this plan, citizens consistently expressed strong desire to empower Moffat County to promote sustainability of the custom and culture of this county.

Moffat County's Position:

Moffat County will support the maintenance and enhancement of the custom and culture of Moffat County.

Moffat County will oppose any change in land use that does not evaluate, mitigate, and minimize impacts to custom and culture and the economic stability of Moffat County.

Moffat County realizes custom and culture is dynamic and ever-changing based on the desires of Moffat County residents. Therefore, what has traditionally defined Moffat County's custom and culture, may and likely will, change over time.

Recommended Action Steps to Support Moffat County's Position:

Federal and state agencies shall consider the social, cultural, and economic needs of the County when developing plans and making recommendations that affect the custom and culture of the County. Furthermore, the consideration process which was used to assess impacts to County custom and culture shall be cited in federal and state land management plans.

The Moffat County's Land Use Board will review federal and state land use and planning issues impacting the County's custom and culture and make recommendations pertinent to the issue in question.

Moffat County recommends federal and state agencies enhance opportunities for responsible use of public lands, which benefit the custom and culture and economic base of Moffat County.

Federal and state agencies shall notify the County of any actions or regulations which may impact the custom and culture of Moffat County; and Moffat County will review and comment on federal or state actions which impact the custom and culture of Moffat County.

Economics

Definition:

Economics pertain to the development and management of the material wealth of a government or community. As per this Land Use Plan, items and activities which traditionally define economics in Moffat County include, but are not limited to, revenue from:

- a) Agriculture (livestock grazing, farming, etc.)
- b) Recreation and Tourism (motorized and non-motorized recreation, water & land sports, hunting, fishing, hiking, etc.)
- c) Industry (mining, power production, timbering, etc.)
- d) Residential or private property owner taxes
- e) Local businesses (private and corporate owned enterprises, businesses, etc.)
- f) Wildlife resources (big game hunting, wildlife habitat improvements, tourism, etc.)
- g) Water rights

Background:

Economics is one of the baseline tools for evaluating many land use management decisions. This should not be construed to mean economics should drive land management decisions, rather it should be balanced with other goals during land management decisions. Economics is a crucial tie to the ever-changing custom and culture of Moffat County. For example, according to a 1994 Economic Baseline Study of Moffat County, if a 10% drop in exports or sales were to occur in the following sectors of Moffat County, the below listed job losses would occur.

10% DROP IN MOFFAT COUNTY EXPORTS/SALES OF:	EQUATE TO JOBS LOST IN MOFFAT COUNTY:
Agricultural Products	82 jobs (45 jobs directly, 37 jobs indirectly)
Mining	62 jobs (34 jobs directly, 27 jobs indirectly)
Electricity	196 jobs (37 jobs directly, 159 indirectly)
Trade, Lodging, and Other Services	56 jobs (43 jobs directly, 13 indirectly)

The above chart totals an estimated 396 jobs lost in Moffat County with a 10% reduction in sales of the four (4) sectors identified. This represents over 7.5% of the 5232 total jobs available in Moffat County, a significant number compared to a nationwide unemployment that ranges between 2-5%. The above numbers do not include other areas such as the increasing number of recreation enterprises and natural gas and oil exploration, both of which have significantly increased since the 1994 economic study.

Moffat County has had numerous proposals by environmental groups, federal and state agencies, and other interests to designate special land management uses in the County. Almost every special land management use change has a rippling effect on the economics of Moffat County. Therefore, it is crucial that each land use decision be balanced with its economic impact.

Moffat County's authority to request federal agencies to evaluate economic impacts to the County through land use decisions that are made by agencies, are based on citations from the Federal Land Policy and Management Act (FLPMA), the National Environmental Policy Act (NEPA), and the

Endangered Species Act (ESA). Citations from FLPMA include 43 USC Sec. 1701(a)(8), 1701(a)(12), 1702(i)(1), 1712(c)(9), and 42USC Sec. 4332(2). NEPA directs agencies to consider economic, social, and environmental consequences from land management proposals. The ESA, 16 USC 1539, makes designation of habitat a matter of economics. Only the decision to list a species as endangered is made on the basis of pure biology.

Moffat County's Position:

Moffat County will support efforts to maintain or improve the overall economic base of the County through the judicious use and enjoyment of federal and state lands in the County.

Moffat County will not support federal and state agencies on land decisions when economics has not been considered as a factor in the decision.

Moffat County will oppose any change in land use that does not evaluate, mitigate, and minimize impacts to custom and culture and the economic stability of Moffat County.

Recommended Action Steps to Support Moffat County's Position:

Moffat County recommends federal and state agencies entertain and evaluate opportunities for free trade and enterprise based on their merits and impacts to federal and state lands.

Moffat County recommends that any federal and state agency considering natural resource management changes, evaluate, mitigate, and minimize the economic impacts of the proposed changes, to the custom and culture of Moffat County.

Federal and state agencies shall notify the County of any actions or regulations, which affect the economic base of the County; and Moffat County will review and comment on proposed federal or state actions significant to the economic base of the County.

Multiple Use

Definition:

Multiple use for public lands is defined as the management of lands and their associated resource values to be utilized in a combination of ways that best meet the present and future needs of the American people. This means making judicious use of public land for all, some, or none of the resources on a given unit of land based upon ever changing needs, conditions, and desires of the American people. Decisions about multiple use must be based upon individual circumstances. Multiple use can mean several land uses on a given tract of land or limited uses on a given tract of land. As per this Land Use Plan, activities which traditionally define multiple use in Moffat County, include but are not limited to:

- a) Agriculture (grazing, farming, etc.)
- b) Recreation and Tourism (motorized and non-motorized recreation, water & land sports, hunting, fishing, hiking, etc.)
- c) Industry (mining, electric power production, natural gas extraction, timbering, etc.)
- d) Water (industrial uses, agricultural uses, recreational uses, and general water resource development and conservation)
- e) Intangible Values (historical, cultural, and archeological sites, open space values and access to open space, desire for free enterprise, conservation stewardship)

Background:

There is a direct tie between multiple use and custom and culture in Moffat County. Multiple use concepts are an integral part to the custom and culture of Moffat County. Moffat County residents are directly dependent upon the County's public lands natural resources for their livelihoods and recreation opportunities. Therefore, Moffat County's economy is dependent upon multiple use concepts and public use of federal and state natural resources. The federal and state agencies that manage public land in the County often directly impact multiple use options within the County. The Moffat County Land Use Board and other interested groups and organizations act to review and evaluate the effects of federal and state land use management actions related to multiple use in Moffat County.

During the public input process to update this Plan, citizens consistently expressed strong desire to maintain and promote multiple use of federal and state lands in Moffat County (*see Appendix B*).

Moffat County's Position:

Moffat County will support multiple use concepts on federal and state lands in Moffat County.

Moffat County will support or oppose a range of land uses on a given tract of land, including limited uses based on a case-by-case investigation.

Moffat County supports prioritizing, or considering primary uses, in multiple use designated areas, based on sound science, community input, and economic impact.

Recommended Action Steps to Support Moffat County's Position:

Federal and state agencies shall evaluate the economic needs of the County when making recommendations for multiple use management.

Moffat County recommends education and communication with the public during any land use management decision which affects traditional multiple use status of federal and state lands in the County.

Moffat County's Land Use Board will review federal and state land use and planning issues pertaining to natural resources, such as plan amendments, in the County and make recommendations to applicable agencies and parties.

Moffat County recommends federal and state agencies promote public respect for private structures (corrals, fences, water development, etc.) on federal and state land in an effort to reduce vandalism, educate land users, and promote the multiple use concept.

Moffat County recommends federal and state agencies evaluate opportunities for commercial use of public lands for purposes of benefiting the custom and culture of Moffat County as well as the economic base of the County.

Federal and state agencies shall notify the County of any actions or regulations, which may impact the multiple use of federal and state land within the County; and Moffat County will review and comment on federal or state actions or changes significant to multiple use of public land in Moffat County.

Access:

Definition:

- a) Access is a way of approach, entrance, passage, or egress. As per this Land Use Plan activities which depend upon access in Moffat County, include but are not limited to:
- b) Agriculture (grazing, farming, etc.)
- c) Recreation and tourism (motorized and non-motorized recreation, water & land sports, hunting, fishing, hiking, etc.)
- d) Industry (mining, electric power generation and transmission, natural gas extraction, timbering, etc.)
- e) Water (industrial uses, agricultural uses, recreational uses, and general water resource development and conservation)
- f) Intangible values (maintaining custom and culture, historical and cultural sites, open space and access to open space values, desire for free enterprise, conservation stewardship)

Background:

Access to federal and state lands in Moffat County offers passage, and egress to all the above defined activities associated with access in Moffat County. Many access issues in Moffat County deal with roads and rights-of-way as well as undefined routes associated with general foot or walk-in ingress, passage, and egress.

Many public lands access issues in Moffat County deal with roads and rights-of-way. Many rights-of-way in Moffat County are defined using Revised Statute 2477 (R.S. 2477), which states in its entirety, “the right-of-way for the construction of highways across public lands not otherwise reserved for public purposes is hereby granted.” In November of 2000, Moffat County passed resolution number 2000-34 which claims highway rights-of-way on federal lands within the northwestern corner of Moffat County. In the same resolution rights-of-way claims on the remainder of public land in Moffat County were reserved based on priority and need. Moffat County staff have begun an intensive process to map and define all R.S. 2477 rights-of-way in the County.

Moffat County is dependent upon the use and development of public land resources. To utilize and protect these resources, adequate and feasible access is required. Despite Moffat County’s dependence on access to federal lands as well as existing federal regulations which require County consultation about access issues, closure of access routes has occurred in Moffat County by public land management agencies with little or no County input. It is important that governmental agencies honor legal access rights in Moffat County and regularly communicate about access issues on public lands.

Moffat County's Position:

Access to or across federal lands shall not entail encumbrances or restrictions on private property rights or privileges.

Moffat County opposes the closure of existing roads or R.S. 2477 rights-of-way without scientific justification, support of the Moffat County Commission, and support of the citizens of the affected area.

Recommended Action Steps to Support Moffat County's Position:

Moffat County recommends that prior to any road closures on federal land within the County, full consultation with the County and local citizens occur.

Moffat County will continue to undertake a detailed inventory of highway rights-of-way on federal lands within the affected areas, based on available funding, time, and necessity. The inventory will to the fullest extent possible, involve all interested parties, and consider citizen and agency input.

Moffat County requests federal agencies recognize and plan management actions to include R.S.2477 rights-of-way when defining roads, rather than using agency specific definitions of roads, which typically occurs.

Moffat County will provide R.S. 2477 information to federal agencies, as it becomes available, to provide evidence of existing rights-of-way that may affect federal land management planning and decisions.

Moffat County recommends cooperative efforts occur, without infringing on private property rights and associated privileges, between federal, state, and private landowners to allow access to islands of public land encircled by lands which are not designated for public use.

Moffat County recommends at least one representative from access be included on any team based decision making process which state or federal agencies undertake as pertaining to natural resources in the County.

Federal and state agencies shall notify the County of any actions or regulations, which involve access on federal and state land within the County; and Moffat County will review and comment on federal or state actions or changes significant to access issues in the County.

Agriculture

Definition:

Agriculture is the art and science of growing crops and raising and breeding livestock. As per this Land Use Plan, activities which traditionally define agriculture in Moffat County, include but are not limited to:

- a) cattle and sheep ranching
- b) hay, wheat, and other small and large grain crop production
- c) alternative livestock (bison, elk, emu, etc.)

Background:

Of the three major revenue sources for Moffat County, agriculture, hunting, and mineral extraction/energy production, agriculture is the oldest source of revenue and land use in Moffat County. Livestock grazing is also the most extensive land use within Moffat County, occurring on Bureau of Land Management, Park Service, Forest Service, as well as private lands in Moffat County. Because of the cultural, biological, and economic importance of livestock grazing to Moffat County, 1960 legislation allowed grazing in Dinosaur National Monument until such time (decades later) when it will be phased out, a rare case in National Park Service history. Private agricultural operations within Moffat County depend on the proximal federal and state lands for long-term sustainability and viability.

Agriculture is a significant factor in defining the custom and culture of Moffat County. A 2001 Moffat County Tourism Authority video spends most of its footage documenting horse roundups, cattle drives, rodeos, outlaw histories, grazing lands, and other scenes tied to the “Moffat County, The Real West” theme. Managing land for agriculture has become increasingly difficult on federal and state lands as other interests become apparent. Recently in Moffat County, special land designations, recovery efforts for the Greater Sage Grouse, road closures, big game management, and several other land use interests threaten the viability of agriculture. It is important to realize and understand that the very existence of agriculture for the last several decades contributes significantly to the existence of all other values and land uses which people find desirable and are trying to protect. Wild game populations, open space and other land and water based recreation opportunities are directly related to the subsistence of agriculture. When making public land management decisions, a balance of agricultural needs along with other land uses must be achieved.

Moffat County’s Position:

Moffat County encourages agricultural viability due to its direct tie to the custom and culture of the area as well as its impact on other public land uses that residents and visitors to Moffat County rely upon.

Moffat County will support opportunities for grazing livestock on federal and state lands, protection of equitable property rights, and science based land stewardship.

Moffat County recommends federal and state agencies cooperate with Moffat County and the agriculture industry to define Desired Plant Communities (DPC's) on federal and state lands. Several reasons for the need to establish DPC's exist, among which includes establishing appropriate livestock carrying capacity goals for the DPC.

Moffat County encourages locally driven interdisciplinary groups to address agricultural issues in relation to public land uses on a case-by-case basis.

Federal and state agency plans or management recommendations proposed without an agricultural economic impact description (either brief or in-depth depending on the case needs) will not be supported by Moffat County

Recommended Action Steps to Support Moffat County's Position:

Moffat County recommends federal and state agencies promote responsible agricultural use and educational opportunities for protecting the natural resources in Moffat County.

Moffat County requires federal agencies, and recommends state agencies conduct a thorough investigation of economic impacts to agriculture during any proposed land management changes or natural resource related planning efforts.

Moffat County recommends federal and state agencies do not adjust Animal Unit Months (AUM's) on state or federal lands without scientifically based justification and full consultation between the permittee and administering agency.

Moffat County requests federal and state agencies work with the public to develop Desired Plant Community goals for management areas. The Desired Plant Community goals shall provide for a variety of land uses. Moffat County recommends establishment of Desired Plant Communities which maintain a viable agricultural industry.

Moffat County recommends federal and state agencies partner with the County to explore programs to compensate agricultural operations for maintaining open space. The alternative is to reduce open space areas in Moffat County in exchange for encroachment of development and urban sprawl.

Moffat County recommends federal and state agencies promote public respect for private structures (corrals, fences, water development, etc.) on federal and state land in an effort to reduce vandalism, educate land users, and promote the multiple use concept.

Federal and State Agencies shall cooperate with Moffat County and the agriculture industry to define Desired Plant Communities on public lands in the County and associated livestock carrying capacity goals for the Desired Plant Communities.

Moffat County recommends at least one representative from agriculture be included on any team based decision making process which state or federal agencies undertake as pertaining to natural resources in the County.

Federal and state agencies shall notify the County of any actions or regulations, which may impact agriculture on federal and state land within the County; and Moffat County will review and comment on federal or state actions or changes significant to agriculture in the County.

Cultural and Archeological Resources

Definition:

Archeology is the art and science of studying history from the remains of early human cultures as discovered chiefly by systematic excavations. Cultural resources are evidence of patterns from a way of life of a specific period, race, or people. As per this Land Use Plan, items and activities which traditionally define archeological and cultural resources in Moffat County, include but are not limited to:

- a) arrowheads
- b) wickiup camps
- c) petroglyphs
- d) pictographs
- e) medicine wheels
- f) bone hunting
- g) rock hounding

Background:

Moffat County offers a unique expression of human occupation between 11,000 and 12,000 years ago. As of 1984, when the Overview of Prehistoric and Cultural Resources of the Little Snake Resource Area was printed, over 1,300 sites were identified in the Little Snake BLM Resource Area. Approximately 1,085 sites are prehistoric, 288 sites are historical, and 21 sites contain both historical and prehistoric remains.

Balancing the need for existing public land uses and the classification, recording, and protecting of cultural and archeological sites presents a significant challenge for federal and state agencies which manage public land in Moffat County. Although the Archaeological Resources Protection Act (ARPA) of 1979 provides strict and meaningful penalties against vandals caught destroying sites on public lands, federal and state land managers do not have the resources to completely record or protect sites warranting special care. However, most sites found in Moffat County are open-lithic scatters with a few tools and flakes not likely to be noticed by the general public. Most sites (approximately 76%) in Moffat County remain unmarked and essentially unprotected. Some more noticeable sites offer a balance between protection and visitation, such as the rock art site in Irish Canyon, which is a designated landmark with a viewing platform.

Moffat County recognizes the need to develop public education and stewardship programs which increase awareness about cultural sites in Moffat County. Public education programs in Moffat County should focus on responsible visitation, the history and meaning of various sites found on public lands, and the impacts of surface collecting and excavating existing sites. Site protection strategies need to be balanced with other current and future uses of the public lands.

Moffat County's Position:

Moffat County recognizes the unique archeological features which occur across the County and supports their protection.

Moffat County supports responsible stewardship on cultural sites and balancing resource protection with tourism and visitor values.

Moffat County supports balancing the current and future land uses dictated by custom and culture with the protection of cultural sites.

Recommended Action Steps to Support Moffat County’s Position:

Moffat County shall be recognized by federal agencies as a consulting party as described in Section 106 of the National Historic Preservation Act and subsequent amendments.

- a) Consulting Party status would provide opportunities for Moffat County to cooperate with federal agencies to identify sites which do not offer unusual or special cultural and archeological values and develop plans to release these areas from restrictions which do not allow typical multiple use activities enjoyed on surrounding areas.
- b) Consulting Party status would provide opportunities for Moffat County to cooperate with federal agencies to more openly disclose locations of cultural and archeological sites not warranting special protection.

Moffat County recommends federal, state, and local governmental offices cooperate to identify significant cultural and archeological sites, make such sights known to the County, and evaluate the significance of proposed land use actions and their impact on the site.

Moffat County recommends federal and state agencies provide public visitation opportunities to cultural and archeological sites while providing sufficient site protection. This can be accomplished through federal and state agencies dedicating resources to identify and mark cultural sites in Moffat County.

Moffat County recommends that federal and state agencies not jeopardize existing land uses, such as oil and gas exploration, mining, road maintenance, and grazing, through the protection of cultural and archeological sites. This can be accomplished through evaluating the economic and cultural impacts associated with land management decisions based around cultural and archeological sites in the County. Moffat County realizes there can be a balance of existing uses and the need to protect cultural sites.

Moffat County recommends at least one representative from cultural and archeological resources be included on any team based decision making process which state or federal agencies undertake as pertaining to natural resources in the County.

Federal and state agencies shall notify the County of any actions or regulations, which may impact cultural and archeological resources on federal and state land within the County; and Moffat County will review and comment on federal or state actions or changes significant to cultural and archeological resources in the County.

Law Enforcement

Definition:

Law enforcement is the ability to compel observance of a rule of conduct.

Background:

Due to the vastness of federal and state land in Moffat County (*see “Moffat County Land Use Profile” section of this plan*) enforcement of criminal and civil law continually creates new challenges as land uses and custom and culture of the County change.

The Federal Land and Policy Management Act (FLPMA) provides for local law enforcement authority on BLM managed lands. Section 1733 (c) provides opportunities for contracts for enforcement of federal laws and regulations by local law enforcement. In addition, Sec. 1733 (c)(2) states “The Secretary may authorize Federal personnel or appropriate local officials to carry out his law enforcement responsibilities with respect to the public lands and their resources. Such designated personnel shall receive the training and have the responsibilities and authority provided for in paragraph (1) of this subsection.”

Enforcement officers employed by federal, state, and local government have jurisdiction on federal lands in Moffat County. However, there are instances where one federally employed law enforcement officer does not have jurisdiction on other federal agencies’ land. Certain jurisdictional limitations can be overcome with cooperative efforts and contracts or agreements between agencies and the County. The Moffat County Sheriff’s department and federal and state law enforcement departments have developed working relationships and cooperate in law enforcement training to assure continuity between agencies and departments. However, to help alleviate jurisdictional conflicts and to allow agencies to more efficiently respond to incidents, contracts or agreements as described in the above FLPMA citation should be created.

Moffat County’s Position:

Moffat County supports cooperation between the County and federal agencies to handle specified criminal and civil cases on federal and state lands. The level to which Moffat County is involved with federal lands law enforcement shall be determined in contracts or agreements.

Moffat County supports cooperative efforts between the federal and agencies and the County in law enforcement activities on federal lands.

Recommended Action Steps to Support Moffat County's Position:

Moffat County recommends that cooperative efforts between federal agencies and Moffat County occur to develop contracts or agreements in accordance with each respective agency's Acts or regulations for the enforcement of applicable federal, state, and local laws on these lands. For example, FLPMA allows county's to develop contracts and agreements for cooperative law enforcement between the County and BLM, on BLM managed lands within the Moffat County.

Moffat County recommends at least one representative from law enforcement be included on any team based decision making process which state or federal agencies undertake as pertaining to natural resources in the County.

Cooperative efforts to create contracts, agreements, or plans between Moffat County and federal agencies shall occur, to help facilitate law enforcement partnerships on federal and state lands.

Minerals and Industry

Definition:

Minerals are naturally occurring homogeneous substances formed by organic or inorganic processes. Industry is a specific branch of production or manufacture. As per this Land Use Plan, activities which traditionally define minerals and industry in Moffat County, include but are not limited to:

- a) electrical power generation
- b) coal mining
- c) gravel mining
- d) natural gas exploration and extraction
- e) oil exploration and extraction
- f) timbering and other wood products

Supporting infrastructure for the above listed mineral and industry activities in Moffat County includes the ability for the associated industries to operate and maintain transmission lines and towers, rails, roads, and water rights.

Background:

Natural resource industries (utilities, coal, oil and gas) in Moffat County make up the top 10 taxpayers of Moffat County, which provide 69% of the County tax revenue. The standard of living and services which Moffat County residents benefit from and enjoy, are directly tied to sustainable management of natural resource extraction and use. In addition to good judgment and balance of other land uses, economics are always a consideration in county planning.

Moffat County has an abundance of high quality low sulfur coal and natural gas reserves. Together, Colowyo and Trapper coal mines in Moffat County, provide 25% of the total coal production in Colorado. Although the Deserado Mine is just south of Moffat County, it supplies jobs to Moffat County residents who pay taxes and contribute to the economy and custom and culture of Moffat County. The northwest quadrant of Moffat County contains the Mesa Verde Sandstone and Lewis Sandstone formations, which were recently identified as potential gas reserves based on recent studies by the Gas Research Institute and the Department of Energy. Most of this land is managed by federal and state agencies. Much of the Nation's natural gas reserves occur on government agency managed land. including, approximately 75% of natural gas resources located on federal lands. Recent technological advances have made areas that were previously not considered as high mineral and gas potential, now economically feasible to explore and extract minerals and gas. As a result of natural gas shortages occurring across the United States, the increased demand for natural resources to supply electric power plants will continue to be an issue as human populations grow. A recent report by Stone and Webster projected a need for 4,700 megawatts of additional power generation in Colorado by 2018. To meet this increasing demand, wise use of our natural resources and access to additional power generation and transmission opportunities will occur in the foreseeable future.

In addition to the above mentioned industries, logging and mining of construction materials in northwestern Moffat County are recognized as economically important and has historically contributed to the custom and culture of Moffat County. For example, gravel mining is relied upon for several uses, including county road maintenance.

Moffat County's Position:

Moffat County supports efforts to develop power generation and transmission in Moffat County through responsible development of natural resources (taking into consideration land, air, and water quality) and a thorough public involvement process.

Moffat County encourages future coal, oil and gas exploration, and extraction in an environmentally responsible manner (taking into consideration land, air, and water quality) and utilizing public involvement.

Moffat County recommends no federal and state air quality standards redesignations occur without first consulting Moffat County

Recommended Action Steps to Support Moffat County's Position:

Moffat County recommends federal and state agencies support mineral and mining company efforts to conduct science based research applicable to mineral and mining industry subsistence, expansion, and new development.

Moffat County recommends new gravel pit excavation possibilities remain open on federal and state lands on or near the Browns Park Refuge area in order to replace the existing expired gravel pit near the Browns Park Refuge boundary.

Moffat County recommends federal and state agencies take into consideration the potential economic impact of any proposed land management changes or natural resource related plans to the minerals and electricity generation industry, and on the residents of Moffat County. Any economic impacts to Moffat County's mineral and electricity generation industry directly impacts County tax revenues and County supported programs, such as the Moffat County School District. Therefore, federal and state agency plans or management recommendations shall include an economic impact description (either brief or in-depth depending on the case needs).

Moffat County recommends federal and state agencies conduct a thorough investigation as to future mineral and industry estimated potential, and consequences to land use decisions being made. Federal or state planning documents shall acknowledge future potentials and estimate economic impacts, where possible, to the County's minerals and industry.

Moffat County will support the development and enforcement of air quality and water quality regulations that provide a balance between environmental protection and economics.

Moffat County opposes redesignation of federal and state air quality classifications that do not first involve Moffat County as a consulting party, interested party, or equivalent thereof.

Moffat County recommends at least one representative from minerals and industry be included on any team based decision making process which state or federal agencies undertake as pertaining to natural resources in the County.

Federal and state agencies shall notify the County of any actions or regulations, which may impact minerals and industry opportunities on federal and state land within the County; and Moffat County will review and comment on federal or state actions or changes significant to minerals and industry opportunities in the County.

Recreation and Tourism

Definition:

Recreation is defined as an action or lack-there-of, which results in relaxation, entertainment, and is enjoyed by those who participate. Tourism is traveling as, or for recreation.

As per this Land Use Plan, activities, which traditionally define recreation and tourism in Moffat County, include but are not limited to:

big game hunting, trapping, fishing, off-road vehicle use, mountain biking, hiking, camping, snow mobiling, cross country skiing, river rafting, kayaking, hang-gliding, bird watching, etc.

Background:

Moffat County offers a variety of recreational and tourism opportunities for residents and visitors alike. A majority of these opportunities are found on public lands. Visitors to these areas directly impact the County by drawing on County-provided infrastructure such as, law enforcement, emergency-medical, and waste disposal services. Moffat County outfitters, store owners, restaurants, hotels and motels, and many more interests depend on seasonal recreation and tourism for their livelihoods.

According to formal testimony by the Moffat County Tourism Authority, the Craig Chamber of Commerce, and the Downtown Business Association during the 2000 Land Use Board public hearings, hunting based tourism is one of three major revenue sectors for the County. The other two sectors are agriculture and resource extraction/energy production. According to this testimony, certain retail merchants' and hotel operators' (located in small communities in western Moffat County) revenue has been traditionally derived during the few weeks of hunting season each year in Moffat County. In 1996, out-of-state hunters spent \$6,000,000 in Moffat County. As illustrated by hunting, recreation and tourism to Moffat County helps drive the socioeconomic system, which defines the custom and culture of Moffat County.

Moffat County's Position:

Moffat County will promote recreation and tourism and associated businesses in Moffat County in an environmentally responsible manner.

Moffat County supports efforts to determine appropriate visitor uses, densities, and timing on water and land recreation activities in Moffat County.

Recommended Action Steps to Support Moffat County's Position:

Moffat County recommends the recently formed Recreation Subcommittee of the Moffat County Land Use Board investigate methods to determine appropriate carrying capacities for popular recreation activities in the County.

Moffat County recommends recreation user groups and Moffat County assist federal and state agencies with Global Positioning System (GPS) and Geographic Information Systems (GIS) efforts to accurately map established trails used by recreationists representing motorized and non-motorized recreation in Moffat County.

Moffat County recommends federal and state agencies undertake an intense signing effort to clearly identify Off-Highway Vehicle trails in Sandwash Basin.

Moffat County recommends that recreation based clubs (i.e. Colorado Off-Highway Vehicle Coalition, Bass Masters, and other sportsmen's clubs) promote responsible use for protecting the natural resources of Moffat County through education opportunities.

Moffat County recommends at least one representative from recreation and tourism be included on any team based decision making process which state or federal agencies undertake as pertaining to natural resources in the County.

Federal and state agencies shall notify the County of any actions or regulations, which may impact recreation and tourism opportunities on federal and state land within the County; and Moffat County will review and comment on federal or state actions or changes significant to recreation and tourism on public land in Moffat County.

Special Land Designations

Definition:

Land Designations refer to tracts of land with distinctive and uniquely recognized use characteristics. As per this Land Use Plan, commonly used Land Designations in Moffat County include but are not limited to: national monuments, national forests, wilderness areas, wilderness study areas, wildlife refuges, national recreation areas, areas of critical environmental concern, etc. Greater than 40 recognized land designations exist nationwide. As per this Land Use Plan, multiple use is not a special land designation, rather it is a concept and management practice for most lands in Moffat County not assigned to a special land designation.

Background:

Moffat County and many western states' counties have received proposals by different interest groups to implement special land designations in order to achieve specific goals from the interest group that proposed the designation. Moffat County is concerned that many special designations do not consider the economic impact to the county, communities, and agencies which special use designations affect. In addition, the wilderness area designation proposals by environmental groups have not included input from local government, communities, nor citizens of Moffat County. Moffat County strongly opposes blanket proposals, which do not involve local input.

Recently the Colorado Environmental Coalition, a coalition of several state and national environmental groups, have proposed nine (9) wilderness areas in Moffat County totaling just under 300,000 acres of federal and state land in the County. Their proposal has not involved the input of local citizens, and subsequently has received very limited congressional support and virtually no local support.

In 2001, the Moffat County Commission passed resolution 2001-14, which among other statements, opposes executive orders creating new land designations without complete and thorough public involvement. Moffat County realizes there are areas in the County which may be worthy of special land designations, but these areas must NOT be designated without substantial local input, local support, and sound science to justify their need.

Moffat County's Position:

Moffat County will only support special designations with substantial local input and support, as well as sound scientifically based research to support their need.

Moffat County does not support the Colorado Wilderness Act of 1999 (H.R. 829 IH) as introduced by Congresswoman Dianna DeGette.

Moffat County supports special land designations that coincide rather than conflict with multiple use concepts and the custom and culture of Moffat County.

Recommended Action Steps to Support Moffat County's Position:

The Moffat County Land Use Board and recently established Recreation Subcommittee will provide clear recommendations as to each proposed wilderness area within Moffat County. This Land Use Plan will subsequently defer action steps to the Subcommittee and Moffat County Land Use Board.

Federal and state agencies shall notify the County of any actions or regulations, which involve special land designations on federal and state land within the County; and Moffat County will review and comment on federal or state actions or changes significant to special land designation issues in the County.

Water Resources

Definition:

Water resources are simply supplies of water that can be drawn upon for various uses. As per this Land Use Plan activities depending on water resources in Moffat County include, but are not limited to:

- a) Recreation uses (water skiing, motorized and non-motorized water recreation, fishing, swimming etc.)
- b) Industry uses (power plant operations, mining operations, etc.)
- c) Municipal and Community uses (city and unincorporated town water supplies)
- d) Agricultural uses (irrigation of crops, livestock drinking, wells, etc.)
- e) Wildlife uses (habitat for aquatic life, drinking for wild animals, etc.)

Background:

Water and associated water rights in Moffat County are integral to municipal, industrial, agricultural, and recreational uses. Two local coal mines utilize and control substantial agricultural and industrial flow and storage water rights in Moffat County. The Tri-state power plant also depends heavily on water within the Yampa and storage reservoirs in Routt and Moffat Counties. These water rights are essential for the continued operation of coal mining and electricity generation activities in Moffat County. The agricultural uses of water from the Yampa River and its tributaries are directly associated with viability of agricultural operations throughout Moffat County. The Yampa River and the lower reaches of the Green River host habitat necessary for the survival of four federally endangered fish species. The Green River is bordered by mostly federal land in Moffat County, with the two major river frontage owners being the Fish and Wildlife Service's Browns Park Refuge, and the National Park Service's Dinosaur National Monument. Supplying adequate flow regimes for the four endangered fishes, providing additional agricultural storage, meeting industrial storage needs, and needs for recreational storage has resulted in several proposals to develop small reservoir storage in tributaries to the Yampa River.

Currently, the Yampa River is second only to the Colorado River, in acre feet exported from the state of Colorado. Much discussion has centered around retaining more water within Colorado and specifically, Moffat County, under cooperative agreements between landowners and agencies. Adequate water quality and availability is necessary for significant municipal, industrial, commercial, agricultural, and recreational opportunities in Moffat County. Several interdisciplinary planning, management, and implementation groups/agencies exist to address water resource issues in Moffat County. Some of the groups/agencies include but are not limited to: the Yampa River Basin Partners, the Yampa River Programmatic Biological Opinion, the Colorado River Water Conservation District, the Colorado Department of Public Health and Environment Water Quality Control Commission (known as the Water Quality Control Commission), individual irrigation and canal companies, and the Yampa Valley Bassmasters.

Moffat County's Position:

Moffat County does not support leasing County water interests to “out-of-state” interests when local needs have not first been evaluated.

Moffat County is opposed to any water use plans which do not involve complete public scoping.

Moffat County supports additional water storage facilities (i.e. small reservoirs) on federal and state lands within the County.

Moffat County supports the protection of individual water rights and a fair additional increment allocation of water among uses and users.

Recommended Action Steps to Support Moffat County's Position:

Moffat County recommends results from the Small Reservoir Study being conducted by the Colorado River Water Conservation District be implemented on federal, state, and private lands, to increase water storage capacity for a balance of endangered fishes, agricultural, industrial, and municipal uses.

Moffat County recommends the expansion of Elkhead Reservoir, as proposed by the Colorado River Water Conservation District, remain an option for increasing options for recreation opportunities, endangered fishes, and the economic stability of surrounding communities.

Moffat County recommends water rights be allocated to individuals or agencies which fund and develop new water sources while managing for established Desired Plant Communities.

Moffat County recommends federal and state agencies identify future water use issues and needs of Moffat County residents, when creating planning documents.

Moffat County supports Colorado State Law and the Prior Appropriation Doctrine and requests that federal and state agencies utilize the State's system during future water appropriations.

Moffat County recommends any water quality programs (i.e. non-point source pollution programs) evaluate, mitigate, and minimize the impacts on Moffat County's custom and culture and economic viability.

Moffat County recommends at least one representative from water resources be included on any team based decision making process which state or federal agencies undertake as pertaining to natural resources in the County.

Federal and state agencies shall notify the County of any actions or regulations, which involve water resources on federal and state land within the County; and Moffat County will review and comment on federal or state actions or changes significant to water resource issues in the County.

Weed Management

Definition:

Weed management is defined as the ability to control plants that interfere with management objectives for a given area of land at a given point in time. As per this Land Use Plan, weed management has a direct impact on all the categories listed in the table of contents, as weeds disrupt land uses and degrade the environment.

Background:

Weed Management is a high priority within Moffat County and receives substantial funding dedicated to supporting weed management efforts. The Moffat County Board of County Commissioners adopted the Moffat County Undesirable Plant Management Plan on November 25, 1991 to formalize weed control procedures within the County. This plan details a method of Integrated Plant Management to implement weed management within the County.

Traditionally, Moffat County and federal and state land management agencies have had cooperative agreements and Memorandums of Understanding referencing weed management activities within the County. These agreements follow closely the Moffat County Undesirable Plant Management Plan and concepts of Integrated Plant Management. Overall there is federal, state, and County consensus that using Integrated Plant Management concepts will result in acceptable weed control. The major weed control tactics addressed in Integrated Plant Management include various combinations of the following:

- a) Education (plant identification, life cycles, mapping infestations, etc.)
- b) Prevention (irrigation management, soil fertility, range management, etc.)
- c) Mechanical and physical (cutting, mowing, burning, cultivation, cross-fencing, etc.)
- d) Cultural (rotating land uses, establishment of desirable and competitive plants, etc.)
- e) Biological (grazing, predators, parasites, pathogens, etc.)
- f) Chemical (weed oils, non-selective and selective herbicides, plant growth regulators, etc.)

General agreement exists on how to appropriately control weeds, however, a long-term commitment of funding from federal and state agencies has not occurred. As an example of lack of federal agency commitment to weed management, the Natural Resources Conservation Service (NRCS) does not cost share funding for weed control, yet they cost share on several other land management and improvement practices. Moffat County has, itself, committed long-term funding and recommended funding requirements necessary for federal and state contributions to weed management in the County. Moffat County feels it is imperative for federal and state agencies to dedicate line-items in their annual budgets specifically allocated for weed management efforts. Although various federal and state agencies have supported weed management by utilizing monies in discretionary or general funds, this does not secure funds for regular long-term weed management, a need justified by numerous scientifically based studies. Annual uncertainty as to funding sources and available dollars by federal and state agencies does not allow federal and state agencies to establish long-term weed management programs which adhere to the Moffat County Undesirable Plant Management Plan.

Moffat County's Position:

Moffat County supports and implements the concepts of Integrated Plant Management and weed control tactics described in the 1991 Moffat County Undesirable Plant Management Plan.

Moffat County supports cooperative efforts with federal, state, and private land managers to enhance cooperative weed management efforts county-wide.

Moffat County provides secure long-term funding for weed management efforts in the County by appropriating dollars earmarked for weed management and recommends federal and state agencies do the same.

Recommended Action Steps to Support Moffat County's Position:

Moffat County recommends cooperative efforts with federal, state, and private land managers continue to be an option for County weed control.

Moffat County recommends federal, state, and private land managers follow the concepts recommended in the Moffat County Undesirable Plant Management Plan and cooperate with Moffat County to update the Plan on an as-needed basis.

Moffat County recommends federal and state agencies which have not budgeted for reoccurring annual funds necessary to maintain weed management programs, allocate and earmark monies specific to weed management.

Moffat County recommends the Natural Resources Conservation Service provide cost shares options for weed control within the County.

Moffat County recommends at least one representative from weed management be included on any team based decision making process which state or federal agencies undertake as pertaining to natural resources in the County.

Federal and state agencies shall notify the County of any actions or regulations, which involve weed management on federal and state land within the County; and Moffat County will review and comment on federal or state actions or changes significant to weed management issues in the County.

Wildlife (Animal)

Definition:

Animal wildlife describes animals living in nature that are not domesticated or tamed. As per this Land Use Plan activities depending on wildlife in Moffat County, include but are not limited to:

- a) Hunting (elk, deer, antelope, bear, mountain lion, coyotes, grouse, rabbits, waterfowl, etc.)
- b) Aquatic wildlife (fishing, managing endangered fishes etc.)
- c) Passive recreation (bird watching, wildlife viewing, etc.)
- d) Species of concern (Black-Footed Ferrets, Greater Sage Grouse, Columbian Sharp-tailed Grouse, endangered fishes, etc.)

Background:

Moffat County enjoys a diverse and abundant game and non-game wildlife population. Statutory authority charges the Colorado Division of Wildlife (CDOW) to preserve and enhance the wildlife resources for the use and benefit of residents and visitors to Colorado. The Colorado Division of Wildlife is responsible for statewide habitat management, setting seasonal harvest and production goals, and buffer zone land use restrictions. Both private and public land provide vital habitat for wildlife species managed for consumptive and non-consumptive uses.

Locally generated teams have been established to create specie conservation plans because of concern about Black-footed Ferret, Columbian Sharp-tailed Grouse, and Greater Sage Grouse populations. In 2001, the Columbian Sharp-tailed Grouse Conservation Plan was completed and signed by private individuals, agencies, and organizations, including Moffat County. Recovery efforts for Black-Footed Ferrets and Greater Sage Grouse are in various stages of completion.

Many issues relating to big game hunting management have surfaced. Hunting permit numbers, distribution, and costs are some of the issues of controversy. Moffat County has traditionally been involved during local meetings and periodically during management planning efforts by the Colorado Division of Wildlife. Big Game hunting also defines the custom and culture, and economic viability for many citizens and communities of Moffat County.

Moffat County's Position:

Moffat County supports recovery planning efforts for sensitive, threatened, and endangered species, which evaluate, mitigate, and support Moffat County's custom and culture and economic viability.

Moffat County supports efforts by the Colorado Division of Wildlife and other agencies who manage wildlife to responsibly reduce predation of sensitive species, increase hunting and fishing opportunities within appropriate carrying capacities, decrease game damage conflicts, and generally balance wildlife numbers with other factions representing the custom and culture and multiple use values of the County.

Moffat County supports responsible wildlife habitat preservation, development, and management.

Recommended Action Steps to Support Moffat County's Position:

Moffat County recommends wildlife management agencies manage public hunting access and public recreation opportunities within appropriate wildlife and recreation carrying capacities.

Moffat County recommends agencies which manage wildlife, dedicate financial and personnel resources to predator management. As the custom and culture of Moffat County has changed since the 1960's, predator survival rates are higher than previously existed.

Moffat County recommends Division of Wildlife game harvest numbers be based on a balance of habitat carrying capacity, effects on other wildlife and livestock populations, custom and culture, and economic impact to Moffat County.

Moffat County recommends currently recognized methods of predator control remain as viable options for predator control, until such time that new and better technology offers new options for predator control.

Predator control shall be based on a balance between the best science available, economics, and logistics, evaluated on a case-by-case scenario.

Moffat County recommends agencies which manage wildlife, dedicate funds to game damage based on problematic site needs.

Moffat County recommends federal and state agencies research and provide funding opportunities and compensation to landowners for resource enhancement, to provide exceptional / unusually high habitat qualities for wildlife species of concern.

Moffat County recommends testing procedures continue by federal and state agencies to reduce Whirling Disease in fish populations.

Moffat County recommends endangered fish recovery efforts in the Yampa River continue based on a balance of scientific justification, conserving past and future adjudicated water rights, and economic stability of Moffat County.

Moffat County recommends results from the Small Reservoir Study being conducted by the Colorado River Water Conservation District be implemented to increase water storage capacity for a balance of endangered fishes, agricultural, industrial, recreational, and municipal needs.

Moffat County recommends regulatory agencies adopt bond release criteria for mine reclaimed lands based on a combination of established wildlife habitat (topographic relief, surface water management techniques, establishment of diverse vegetation, etc.) rather than only woody plant density.

Moffat County recommends at least one representative from wildlife (animal) interests be included on any team based decision making process which state or federal agencies undertake as pertaining to natural resources in the County.

Federal and state agencies shall notify the County of any actions or regulations, which involve animal wildlife on federal and state land within the County; and Moffat County will review and comment on federal or state actions or changes significant to animal wildlife issues in the County.

Wildlife (Plant)

Definition:

Plant wildlife describes plants living in nature which include both native and introduced plants to the United States as well as desirable and undesirable plants. As per this Land Use Plan activities depending on plant wildlife in Moffat County, include but are not limited to:

- a) Agriculture (livestock carrying capacities, Desired Plant Communities)
- b) Weeds (undesirable plant management)
- c) Recreation and education (plant identifying, 4-H range judging, etc.)
- d) Habitat for animal wildlife
- e) Species of concern (rare, threatened, and endangered plants or habitat for animal species of concern).

Background:

Moffat County enjoys a diverse and abundant plant wildlife population. Both private and public land provide vital plant wildlife species managed for various consumptive and non-consumptive uses.

The Colorado Natural Heritage program maintains the most current plant database in Colorado and this database is accessible to the public on the internet. There are currently no known federally endangered plant occurrences in Moffat County and one federally threatened plant occurrence (Ladies'- tresses orchid) along the Green River of Moffat County. However, Moffat County, and virtually all Colorado counties, host several rare plants which meet varying levels of vulnerability and threats which support proposals to list them as either threatened or endangered.

The continued presence of the possibility of listing any of the rare plant species as federally endangered or threatened heightens the need for Moffat County private citizens and federal and state agencies to establish a Desired Plant Community for areas within Moffat County. One reason for the need to establish Desired Plant Communities is to set goals for rare plant management.

Moffat County's Position:

Moffat County supports efforts to conduct plant surveys to validate existing data and add new plant inventory data.

Moffat County supports recovery planning efforts for sensitive, threatened, and endangered plant species, which evaluate, mitigate, and support Moffat County's custom and culture and economic viability.

Moffat County supports locally driven efforts to identify Desired Plant Communities which do not compromise the custom and culture and the economy of Moffat County.

Recommended Action Steps to Support Moffat County's Position:

Moffat County recommends federal and state agencies research and provide funding opportunities and compensation to landowners who provide unusually high habitat qualities for animal and plant wildlife species of concern.

Moffat County recommends locally driven efforts be initiated to identify Desired Plant Communities for areas within Moffat County.

Moffat County recommends at least one representative from wildlife (plant) interests be included on any team based decision making process which state or federal agencies undertake as pertaining to natural resources in the County.

Federal and state agencies shall notify the County of any actions or regulations, which involve plant wildlife on federal and state land within the County; and Moffat County will review and comment on federal or state actions or changes significant to plant wildlife issues in the County.

APPENDIX A: Acronyms

AUM	Animal Unit Month
BLM	Bureau of Land Management
CEC	Colorado Environmental Coalition
CADOW	Colorado Division of Wildlife
DPC	Desired Plant Community
ESA	Endangered Species Act
GIS	Geographic Information System
GPS	Global Positioning Systems
NRCS	Natural Resources Conservation Service
NEPA	National Environmental Policy Act
FLPMA	Federal Land Policy and Management Act
NPS	National Park Service
R.S. 2477	Revised Statute 2477
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service

APPENDIX B: Moffat County Land Use Plan Public Involvement Process

Tours

The Moffat County Land Use Board sponsored three tours to familiarize the public with land use issues on state and federal lands within Moffat County. The tours were designed to give citizens on-site information before public hearings took place. Tours were conducted in the Little Yampa Canyon vicinity, the Sandwash/Vermillion Basin vicinity and the Dinosaur/Pinyon Ridge vicinity. A total of forty-eight (48) citizens attended the tours. Detailed information and publications about each of the below listed public input meetings is available for public review at the Moffat County Natural Resources office.

Public Hearings

Five separate public hearings were held during November and December of 2000 to allow the public to identify land use issues and to provide the Land Use Board with detailed information to aid in the drafting of the County Land Use Plan. Hearings were held in different locales across Moffat County to give all citizens the opportunity to voice their concerns and make recommendations. The hearings took place in Browns Park, Dinosaur, Maybell and two hearings were held in Craig. One hundred ten (110) people attended the hearings.

An additional public hearing was held in Craig on November 8, 2000 to gather testimony from invited special interest groups and stakeholders in Moffat County. Forty-four (44) organizations representing recreation, agriculture, business, environmental clubs/organizations, minerals/mining and government affiliates attended this meeting to present the Moffat County Commissioners and Land Use Board testimony on land use interests.

CNCC

Colorado Northwestern Community College sponsored State & Federal Land Use Informational Meetings in cooperation with Moffat County. These informational meetings were designed to coincide with the Moffat County Land Use Board's tours and public hearings. Three separate two-hour meetings with guest speakers were held in October and November 2000 dealing with the following topics:

- 1) Wildlife Management - Sage Grouse, Prairie Dogs, Black-Footed Ferret, Elk, Deer, Antelope
- 2) Management of Agriculture/Mineral & Mining Sheep/Cattle Ranching, Mining, Minerals, Electricity, Waste Disposal
- 3) Recreation - Hunting/Fishing, Rafting/Water Sports, OHV, Motorcycles, Snowmobiles, Mountain Biking/Hiking/Camping, Hang Gliding, Birding, Back Packing/Goat Packing, Mountain Climbing

Surveys

Moffat County, the University of Wyoming, and Colorado State University cooperatively developed a land use evaluation survey. The survey focused on asking citizens about several land use planning issues present in Moffat County. A focus group consisting of city/county officials, landowners and representatives of the general public met during several workgroup meetings to build survey questions concerning planning and land use issues in the County.

The survey population was determined from households of two types:

- 1) owners of land in Moffat County regardless of place of residence, and
- 2) residents

A random sample was drawn from about 35% of total households from the population sample.

Citizen Petition

During 2000, concerned residents gathered an estimated 9,000 signatures from citizens opposing any expansion of Dinosaur National Monument. The petition and signatures are on file in the Moffat County Board of County Commissioners office and the Moffat County Natural Resources Department.

Public Scoping Documents

After the public hearing process concluded, the Moffat County Natural Resources Department compiled all information and testimony received into three books:

- 1) The November 8, 2000 *Stakeholders and Special Interest Group Testimony* is a two hundred seventy eight (278) page volume with speakers' written testimony and verbatim records of questions and answers recorded by a court stenographer.
- 2) *The Moffat County Land Use Board Public Hearing Summary* includes the information gathered from the five public hearings. This summary book is divided into a category summation, a city summation, and includes a section of verbatim notes taken at each hearing.
- 3) The Land Use Board also offered the public a "general comment period" from November 2000 through January 15, 2001. The public was invited to submit comments on land use issues via telephone, general mail, email or hand delivered to the Natural Resources Department. *The Moffat County Land Use Board Public Comment Received* is the compilation of these comments.

Each of the above described books, CD's, and videotapes of the November 8th meeting are on file in the Natural Resources Department and available to the public at cost.

Advertising

Press releases from the Moffat County Commissioners outlining the Special Interest/Stakeholders Meeting, public hearings, and tours to address land use issues were sent to newspapers in Craig, Grand Junction, Steamboat, Meeker/Rangley and Denver; radio stations in Craig, Steamboat and Vernal, Utah; the Craig TV station; and six stations in Denver. The specific tours and public hearings were individually advertised in the Craig Daily Press Regional Datebook section as each date approached. The public comment period was also advertised periodically in the Craig Daily Press. The Moffat County Natural Resources website detailed the public information and specific dates for the three tours, five public hearings, Special Interest/Stakeholders Meeting and an email address and telephone numbers for comment. Staff from the Moffat County Natural Resources Department were interviewed during various Craig Daily Press articles and KRAI Radio Public Announcements to provide more detailed information about the respective events.

APPENDIX C: 1994 Moffat County Land Use Policy Statement

Moffat County Land Use Policy Statement

LAND USE POLICY STATEMENT

The Moffat County Land Use Statement is intended to be the County government's statement of policy relative to the use of public land and public resources in Moffat County and to the protection of the rights of private landowners and the resource itself.

Federal and state lands make up approximately 65% of Moffat County. Moreover, Moffat County's economy is inseparably dependent on land and water based resources located on federal, state, and private lands. The nature and intent of Moffat County government land use policy is to protect the custom and culture of County citizens through protection of private property rights, the facilitation of a free market economy, and the establishment of a process to ensure self-determination through planning by local communities and individuals, in cooperation with local, state, and federal agencies.

This Land Use Policy Statement addresses federal and state land use management issues directly and is intended to be used as a positive guide for federal and state land management agencies in their development and implementation of land use plans and management actions. The County and its citizens support the continued wise conservation and use in accordance with custom and culture of federal and state lands in Moffat County. Therefore, it is the policy of Moffat County that federal and state agencies are expected to inform the Moffat County Commission, city councils/town boards, hereinafter referred to as "the local governments," of all pending actions affecting local communities and citizens and coordinate with them in the planning and implementation of those actions. The local governments when affected by such actions, are expected to be consulted and coordinated in accordance with the laws of Colorado and the laws of the United States.

In compliance with current federal and state laws, all federal and state agencies are expected to coordinate with the local governments the purpose of planning and managing federal and state lands within the geographic boundaries of Moffat County, Colorado. Federal and state agencies proposing actions that will impact the Moffat County Land Use Policy Statement are expected to prepare and submit in writing, and in a timely manner report(s) on the purposes, objectives, and estimated impacts of such action including economic, to the local governments. These report(s) should be provided by the local, state and federal representative to the local governments for review and coordination prior to federal or state initiation of action.

PREAMBLE

Based on existing custom and culture, all resource decisions affecting Moffat County will be guided by the principles of protecting private property rights, protecting local custom and culture, maintaining traditional economic structure through self-determination, and opening new economic opportunities through reliance on free markets. Resource decisions made in this manner contemplate enhancement of environmental quality.

LAND DISPOSITION

Recognizing that land is essential to local industry and residence, it will be the policy of the county that the design and development of all federal and state land disposals, including land adjustments and exchanges, be carried out to the benefit of the citizens of Moffat County.

POLICIES

1. Increase opportunities for local economic development by increasing the amount of patented lands within the county, while encouraging a no-net loss of private land valuation within the boundaries of Moffat County.
2. Federal and state land agencies shall be requested to not acquire any private lands or rights to private lands within Moffat County without first ensuring:
 - a. That at a minimum, parity in patented land valuation is maintained; and
 - b. That private property interests are protected and enhanced.
3. The local governments are expected to be notified of, consulted with, and otherwise involved in all federal and state land exchanges in Moffat County. Further, the local governments expect to be partners in planning all federal and state land adjustments occurring within the County's political boundaries.
4. Local governments expect to be partners with federal and state agencies in determining land withdrawals for hazardous and non-hazardous waste storage or disposal as well as the types and points of origin of such waste.
5. Before federal and state land agencies can change land use, impact studies on uses should be conducted and mitigation measures considered with concurrence from local governments. Impact studies will address community stability, local economics, local custom and culture, resource enhancement, etc.

WATER RESOURCES

The local governments recognize that the protection and development of its water resources are essential to its short and long term economic and cultural viability.

POLICIES

1. The protection of existing water rights and water uses within Moffat County is of primary importance to the County's economic and cultural well-being. Therefore, changes in water uses for federal, state or district purposes that will potentially reduce available water or effect existing water rights should be carefully considered in relationship to the history, traditions, and culture of Moffat County. Moffat County expects state or federal agencies to coordinate any such changes with local governments. Preparation of recovery plans for the protection of all aquatic threatened and endangered species are expected to be coordinated with the local governments.
2. The local governments will support the facilitation of a free market economy of water resource for existing as well as future water rights for agricultural, domestic, industrial, municipal, and recreational purposes.
3. The local governments will develop their water use policy to ensure both water quantity and water quality.

AGRICULTURE

The custom and culture associated with agricultural production in Moffat County is desirable and necessary to the livelihood and well-being of its citizens. Therefore, it is the policy of Moffat County and local governments to encourage protection of agricultural land and promote the continuation of agricultural pursuits by protecting private property rights, relying on self-determination, and promoting open market conditions.

POLICIES

1. Opportunities for grazing livestock on federal and state lands should be at levels consistent with customs and culture, the protection of equitable property rights, and proper stewardship of the resource.
2. Federal and state governments are expected to coordinate with the local governments to provide agricultural opportunities on their respective lands.
3. Federal and state land managing agencies, and all other federal and state agencies are expected to coordinate with the local governments on matters affecting livestock grazing on public lands.
4. Incentives for improving grazing lands and promoting good land stewardship should be developed by local advisory councils.

TIMBER AND WOOD PRODUCTS

The custom and culture associated with wood products in Moffat County is desirable and necessary to the livelihood and well-being of its citizens. Therefore, it is the policy of the local governments to encourage protection of the timber resources and promote the continuation of a sustainable wood products industry based upon self-determination, and promoting open market conditions.

POLICIES

1. The local governments will encourage the Federal or State government to allow bidding on harvest sizes that provide opportunities for a wide spectrum of producers and that allow for local entrepreneurship.
2. Opportunities for a sustainable wood products industry should be continued at levels consistent with custom and culture and as affected by prevailing market conditions.

ARCHEOLOGICAL RESOURCES/HISTORIC PRESERVATION, RECREATION, WILDLIFE, AND WILDERNESS

The local governments will promote and foster public and private archeological resources/historical preservation, recreational, wilderness, and wildlife opportunities compatible with local custom and culture and within the constraints of private property rights and local self-determination.

POLICIES

1. Federal and state land and wildlife management and enforcement agencies are expected to coordinate with the local governments on matters regarding wildlife.
2. Any state or federally proposed change or designation of wilderness areas or status in Moffat County should be coordinated with the local governments prior to the adoption and implementation of any such change or designation.
3. Any federal, state, private organization and/or individual are expected to coordinate, cooperate and consult with local governments in matters regarding archeological resources and historic preservation to foster conditions under which historic resources can exist in productive harmony with the custom and culture of Moffat County.

MINERAL RESOURCES

The custom and culture associated with mineral production in Moffat County is desirable and necessary to the livelihood and well-being of its citizens. Therefore, it is the policy of the local governments to promote procedures that provide for the long term availability and responsible development of its mineral resources, including but not limited to limestone, coal, oil, gas, gold, copper, and gravel.

POLICIES

1. Any state or federally proposed change or designation of mineral use should be coordinated with the local governments prior to the adoption and implementation of any such change or designation.

INDUSTRIES AND MANUFACTURING

The custom and culture associated with industries and manufacturing in Moffat county is desirable and necessary to the livelihood and well being of its citizens. Therefore, it is the policy of local governments to promote procedures that provide for the long-term availability and responsible development of industries and manufacturing.

POLICIES

1. Any state or federally proposed change affecting industry and manufacturing in Moffat County should be coordinated with the local governments prior to the adoption and implementation of any such change.

ACCESS AND TRANSPORTATION

Federal and state land agencies are expected to assist the local governments in maintaining the existing transportation network that optimize accessibility within Moffat County and that minimizes the cost movement between all communities and across public lands. Access to or across federal or state lands should not entail encumbrances or restrictions on private property rights or privileges.

SUMMARY

In summary, this Land Use Policy Statement is intended to be utilized as a positive process, whereby federal and state land, water, and wildlife decisions can be coordinated with the local governments on existing custom and culture, the protection of private property rights, maintaining traditional economic structures through self-determination, and opening new economic opportunities through reliance on a free market economy.

(Signature page on file with the Moffat County Board of County Commissioners and the Moffat County Natural Resources Department)

APPENDIX D: Moffat County and BLM Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING
Between
Board of County Commissioners, Moffat County, Colorado
And
State Director, Bureau of Land Management
U.S. Department of the Interior

This Memorandum of Understanding, made and entered into by and between the Board of County Commissioners, Moffat County, Colorado, and the State Director, Bureau of Land Management, Colorado, acting pursuant to the Federal Land Policy and Management Act of 1976, National Environmental Policy Act of 1969, Title IV of the Intergovernmental Cooperation Act of 1968, and the Local Government Land Use Enabling Act of 1974, as codified at § 29-20-105, C.R.S. 1973; § 29-1-201 et seq., C.R.S. 1973; and § 30-11-102 (1) (d), C.R.S. 1973; and all amendatory acts thereof or supplemental thereto, and such other legislation and regulations as may apply, WITNESSETH, that:

WHEREAS, Moffat County (hereinafter referred to as the County) has adopted zoning, and other land use control regulations to guide development of all lands in the County, and

WHEREAS, Bureau of Land Management (hereinafter referred to as BLM) has developed management framework plans to guide management and development of public lands, and

WHEREAS, Land use or development decisions by either party may become constraints on similar decisions by the other party, and

WHEREAS, Both the County and BLM desire to coordinate their respective planning and decision processes in order to achieve maximum benefits from available resources, to reduce duplication of effort and to attain better overall coordination of land management throughout Moffat County,

NOW, THEREFORE, it is agreed that;

I. Each party will:

- A. Cooperate in land use decision-making, including consultation in land use decisions and in preparation of land use plans, including, for example County Master plans and BLM management framework plans, including any amendment to or revision of said plans.
- B. Inform each other as far in advance as possible of anticipated plans and proposed activities that might affect either party, but in no case shall such information be

provided less than thirty-five (35) days prior to the adoption of such plans or taking place of such activities.

- C. Cooperate in development and implementation of specific agreements supplemental to this agreement, including, but not limited to, agreements regarding zoning, subdivision of lands, road construction, maintenance and use, and rights –of –way.

II. The Bureau of Land Management will:

- A. Solicit County participation in developing plans, programs, and proposals for management of public lands and consider those views in the decision process. Participation will specifically include analysis of preliminary recommendations (Step 1, MFP) and conflicts, development of recommendations (Step 2, MFP) for adoption of the management framework plan, and all rights to receive notice of and to participate in such planning as are provided by § 202(F) of the Federal Land and Policy Management Act of 1976 and regulations adopted pursuant thereto.
- B. Provide the County an opportunity to (1) review and comment on applications submitted to BLM that would affect land use or development in Moffat County, and (2) to participate in development of the requisite environmental assessments (environmental statements and environmental assessment reports). Participation will specifically include analysis of land use impacts and analysis of alternatives. Those types of applications the County will review include, but are not limited to, those on Exhibit A, attached hereto.
- C. Make available to the county all non-proprietary resource and land use information concerning land located in Moffat County in possession of BLM and all data from public land inventories maintained under §201 (a), (b) of the Federal Land Policy Management Act of 1976 and all regulations adopted pursuant thereto.
- D. Insert in all licenses, permits, leases and other such documents granting permission to occupy or use public lands a stipulation requiring all such licensees, permittees, and leasees to exercise the rights granted thereby in conformance to the following Moffat County Ordinances and amendments thereto:

Moffat County, Zoning Resolution (on private land and acquired surface)

Moffat County, Subdivision Regulations

Moffat County, Individual Sewage Disposal Regulations

Moffat County Road Specifications

- E. Make personnel available to assist the County in complementary data gathering and land use planning as is determined by the State Director to be practical within financial, legal, and personnel limitations.
- F. To the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of BLM lands with the land use planning and management programs of the County. In implementing this section, the BLM shall assure that consideration is given to County Land Use Plans that are germane in the development of land use plans for BLM lands, assist in resolving inconsistency between land use plans of BLM and the County, and provide for meaningful public involvement of County Officials in land use decisions for public lands, including early public notice of proposed decisions which may have significant impact on County Lands.
- G. Assure that land use plans for public lands are consistent with County plans to the maximum extent possible under federal law and the purposes of the Federal Land Policy Management Act of 1976.
- H. To the maximum extent possible, agree that no lease, grant, or other conveyance of public lands shall exempt such lessee, grantee, or other conveyee from compliance with County land use plans, laws, or regulations which are or may be in effect as of the date of the lease, grant, or other conveyance.
- I. At least sixty (60) days prior to offering for sale or otherwise conveying public lands within the county notify the board of County Commissioners of such sale or conveyance in order to afford them an opportunity to zone or otherwise regulate, or change or amend existing zoning or other regulations concerning the use of lands prior to such conveyance. The BLM shall also promptly notify the board of County Commissioners of the patent or other document of conveyance for such lands.
- J. Cooperate with the County in the enforcement of the County regulations specified at § II.D of this Memorandum of Understanding.
- K. In the development and revision of BLM land use plans, provide for compliance with all state pollution laws and county regulations promulgated thereunder pursuant to

state law regarding air, water, noise, or other pollution standards or implementation plans.

- L. Cooperate with the County in mitigating the socio-economic impacts land use activities on federal lands and with regard to federal mineral rights.

III. Moffat County Will:

- A. Solicit BLM participation in developing master plans and zoning, or revisions thereto, for lands in Moffat County. Participation will include review and comment on planning and zoning proposals and may include non-voting ex-officio membership on the County Planning Commission.
- B. Provide BLM an opportunity to review and comment on proposals submitted to the County (including the Planning Commission) that involve land use or zoning that may impact public lands. Those types of proposals BLM will review are included but not limited to those located on Exhibit B., attached hereto.
- C. Make available to BLM social and economic information in possession of the County.
- D. Make County expertise or personnel available for complementary data-gathering, environmental studies, and land use planning as is determined by the County to be practical, recognizing financial and personnel constraints.
- E. Unless agreed to the contrary, the County shall not rezone any land described in §II.I above, after the notification and before the sale therein described.

IV. Timeliness:

Both parties recognize that time is of the essence in performance under this agreement; in some cases it may be critical. Where necessary, reasonable time limits may be set for participation by either party.

- V. Nothing in this agreement will be construed as limiting or affecting in any way the authority or legal responsibility of the Board of County Commissioners of the State Director, or as bidding either County or the Bureau of Land Management to perform beyond the respective authority of each, or as requiring either party to assume or expend any sum in excess of appropriations available.

- VI. Amendments or supplements to this agreement may be proposed by either party and shall become effective upon written approval of both parties.
- VII. This agreement shall become effective as soon as signed by the parties hereto and shall continue in force unless formally terminated by either party after thirty (30) days notice in writing to the other of the intention to do so.
- VIII. Each and every provision of this Memorandum of Understanding is subject to the laws of the State of Colorado, Moffat County, and the laws of the United States, and the regulations of the Secretary of the Interior.

This agreement supercedes the general Cooperative Agreement between the parties hereto dated 4/19/74.

(Signature page on file with the Moffat County Board of County Commissioners and the Moffat County Natural Resources Department.)

EXHIBIT A

Moffat County will be afforded an opportunity to review and comment on the following types of application or proposals that may be filed with Bureau of Land Management, including, but not limited to:

1. Rights-of-way for roads, power lines, pipelines, telephone lines, and other rights-of-way projects.
2. Land use planning information (resource inventories, management framework plan, etc.)
3. Environmental assessments and statements.
4. Withdrawals and revocations.
5. Sale, exchange, lease or other conveyance of lands.
6. Mineral exploration and reclamation plans (where required by BLM).
7. Any action proposed on County identified flood plains areas which require special authorization.
8. Mine land reclamation plans.
9. Sand and Gravel contract application.
10. Applications for permit to drill oil and gas wells.

EXHIBIT B

The Bureau of Land Management will be afforded an opportunity to review and comment on the following types of applications or proposals that may be filed with Moffat County.

1. Subdivision or mobile home parks within one mile of Public lands or that may impact Public lands.
2. Roads, power lines, pipelines, telephone lines, and similar rights-of-way.
3. Dams, diversions, ditches, and similar water development or conveyance facilities.
4. Solid waste disposal sites and sewage treatment sites within one mile of Public Lands or that may impact Public Lands.
5. Sand and gravel permits.

APPENDIX E: County Authority on Federal and State Lands

FEDERAL LAWS AND REGULATIONS PROVIDING FOR CONSULTATION OR INVOLVEMENT OF COUNTY GOVERNMENT.

A. Process and Procedural Statutes

1. Administrative Procedure Act ("APA"), 5 U.S.C. §553, requires notice and comment of proposed regulations.
2. Intergovernmental Cooperation Act, 3 U.S.C. §301, 42 U.S.C. §4231(a), provides that federal agencies are to coordinate programs and plans with state and local governments. See also Executive Order 12372 (July 14, 1982).
3. National Environmental Policy Act ("NEPA"), 42 U.S.C. §4331, 40 C.F.R. §1506.6;
 - a. NEPA policy is to promote public involvement. 40 C.F.R. §1506.6.
4. Code of Federal Regulations (CFR), 40C.F.R. Sec. 1508.5 "A State or local agency of similar qualifications or, when the effects are on a reservation, and Indian Tribe, may by agreement with the lead agency become a cooperating agency."

B. Management of Federal Land

1. Federal Land Policy and Management Act ("FLPMA"), 43 U.S.C. §1701, et seq.,
 - a. "The Secretary shall allow an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give federal, State and local governments and the public adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands." 43 U.S.C. §1712(f).
 - b. Coordination with local government is required in addition to public involvement by regulation for development of land use plans, guidance and revision or amendment of plans. 43 C.F.R. §1610.3.
 - c. "In exercising his authorities under this Act, the Secretary by regulation shall establish procedures, including public hearings where appropriate, to give the federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for, and the management of, the public lands." 43 U.S.C. §1739(e).
 - d. "The Secretary, with respect to the public lands, shall promulgate rules and regulations to carry out the purposes of this Act and of other laws applicable to the public lands, and the Secretary of Agriculture, with respect to lands within the National Forest System, shall promulgate rules and regulations to carry out the purposes of this Act." 43 U.S.C. §1740.
2. National Forest Management Act ("NFMA"), 16 U.S.C. §§1600 et seq.

- a. "In developing the reports required under subsection (b) [Resource Planning Assessments] of this section, the Secretary shall provide the opportunity for public involvement and shall consult with other interested governmental departments and agencies." 16 U.S.C. §1601(c).
- b. "The Secretary shall provide for public participation in the development, review, and revision of land management plans including, but not limited to, making the plans or revisions available to the public at convenient locations in the vicinity of the affected unit for a period of at least three months before final adoption, during which period the Secretary shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans or revisions." 16 U.S.C. §1604(d).
- c. National Forest System land use planning is implemented in 36 C.F.R. Part 219.
- d. Public involvement in land use planning, 36 C.F.R. §§219.14-219.18.
- e. Coordination with other governmental entities. §219.14, 219.15, 219.16. The revised planning regulations emphasize "collaborative planning" but in a clear policy departure from the previous rules, the Forest Service does not need to consider land use plans of local government or Indian tribes nor is it required to resolve conflicts.
- f. The previous Part 219 rules provided for coordination with local government on research needs but this is deleted entirely.
- g. Amendments to NFMA plans require public notice as well. 16 U.S.C. §1604(f)(4).
- h. Land use planning regulations are to follow the Administrative Procedure Act (APA) requiring notice and public comment. 16 U.S.C. §1604(g).
- i. "In carrying out this subchapter, the Secretary of Agriculture shall utilize information and data available from other Federal, State and private organizations and shall avoid duplication and overlap of resource assessment and program planning efforts of other Federal agencies." 16 U.S.C. §1610.
- j. "In exercising his authorities under this subchapter and other laws applicable to the Forest Service, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the federal, State and local governments and the public adequate notice and opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs." 16 U.S.C. §1612(a).
- k. Public involvement in all Forest Service decisions, 36 C.F.R. Part 216, implements 16 U.S.C. §1612 of NFMA.

(1) Exempts from public notice and comment manual direction on personnel, contracting and routine business operations. 36 C.F.R. §216.3(a)(3).

(2) Notice of new direction or guidelines based on level of interest and impact, 36 C.F.R. §216.4.

l. Secretary has authority to create advisory boards necessary "to secure full information and advice on the execution of his responsibilities." 16 U.S.C. §1612(b).

m. Secretary is to implement NFMA through rulemaking with notice and public comment pursuant to Administrative Procedure Act (APA). 16 U.S.C. §1613.

3. Other Forest Service Regulations:

a. Community stability, 36 C.F.R. §221.3. "Management plans for national forest timber resources shall . . . Be designed to aid in providing a continuous supply of national forest timber for the use and necessities of the citizens of the United States."

4. National Park Service

a. Deputize local law enforcement, 16 U.S.C. §1a-6(c).

b. Consult with local agencies when conducting periodic review every three years of National Park System, 16 U.S.C. §§1a-9, 1a-10.

c. Any changes in the boundaries of a national park unit requires consideration of impacts on local communities, 16 U.S.C. §1a-12.

d. Cooperative agreements to fund state and local government education programs, 16 U.S.C. §1g.

e. National Park Service authorized to coordinate with the state and political subdivisions in land use planning, 16 U.S.C. §17l.

5. Protection of Historic and Cultural Resources

a. Cooperation with state and local governmental agencies in protection of historic sites. 16 U.S.C. §464

b. Establishes policy of partnership with states, tribes and counties in protecting historic and cultural resources, 16 U.S.C. §470-1.

- c. Historic Advisory Council authorized to adopt regulations to implement local government participation, 16 U.S.C. §470s.
 - d. Public notice and state agency involvement in rulemaking to protect archeological resources on public lands, 16 U.S.C. §470ii.
6. Executive Order 12630 (E.O. 12630) March 15, 1988 Governmental Actions and Interference with Constitutionally Protected Property Rights.

C. Wildlife Protection

- 1. Coordination with state and other agencies in wildfire protection, 16 U.S.C. §661.
- 2. National Wildlife Refuge System is to coordinate with state agencies and other agencies and to provide for public involvement, 16 U.S.C. §668dd.
- 3. Coordinate with state and other entities in developing comprehensive plans for wildlife restoration, 16 U.S.C. §670g, 670h.
- 4. Counties are entitled to 25% of revenues from sales of operations within units of the National Wildlife Refuge System, 16 U.S.C. §715s.
- 5. National Trail System administration and coordination to occur in consultation with state, tribal and local governments, 16 U.S.C. §1246.
- 6. Wild & Scenic Rivers System to be designated and expanded in consultation with state and local governments, 16 U.S.C. §1273,
- 7. Endangered Species Act, 16 U.S.C. §1533.
 - a. "With respect to any regulation proposed by the Secretary to implement a determination, designation or revision referred to in subsection (a)(1) or (3) [listing or critical habitat], the Secretary shall-- . . .give actual notice of the proposed regulation (including complete text of the regulation) to the State agency in each state in which the species is believed to occur, and to each county or equivalent jurisdiction in which the species is believed to occur, and invite the comment of such agency, and each such jurisdiction, thereon;" 16 U.S.C. §1533(b)(5)(A)(ii); 50 C.F.R. §§424(c)(ii); 424(c)(iii);
 - b. Public comment of at least 60 days from F.R. and 30 days in all other rules. 50 C.F.R. §424.16(c)(2);
 - c. Public hearings if requested. 50 C.F.R. §424.16(c)(3).

- d. The Secretary shall prior to final approval of a new or revised recovery plan, provide public notice and an opportunity for public review and comment on such plan. The Secretary shall consider all information presented during the public comment period prior to approval of the plan." 16 U.S.C. §1533(f)(4).
 - e. Guidelines for classifying petitions and review of potentially threatened or endangered species shall have public notice and opportunity for comment. 16 U.S.C. §1533(h).
 - f. Secretary is to cooperate with the states "to the maximum extent practicable." 16 U.S.C. §1535(a). This includes signing cooperative agreements and working with state fish and wildlife programs.
- 8. Coordinate, consult and provide for public involvement with local governments in conservation of soil and water, including private land grazing. 16 U.S.C. §§2003-2005.
 - 9. State authority to develop conservation program for nongame wildlife and fish and public involvement, 16 U.S.C. §2903.

D. Federal Pollution Laws

- 1. Clean Water Act, 33 U.S.C. §§1251, et seq.
 - a. "It is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of the States to prevent, reduce and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources and to consult with the Administrator in the exercise of his authority under this chapter." 33 U.S.C. §1251(b).
 - b. "Public participation in the development, revision, and enforcement of any regulation, standards, effluent limitation, plan or program established by the Administrator or any State under this chapter, shall be provided for, encouraged, and assisted by the Administrator and the States. The Administrator, in cooperation with the States, shall develop and public regulations specifying minimum guidelines for public participation in such process." 33 U.S.C. §1251(e).
 - c. "It is the policy of Congress that the authority of each State to allocate quantities of water within its jurisdiction shall not be superseded, abrogated, or otherwise impaired by this chapter. It is the further policy of Congress that nothing in this Chapter shall be construed to supersede or abrogate rights to quantities of water which have been established by any State. Federal agencies shall cooperate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources." 33 U.S.C. §1251(g).

d. "The Administrator, shall, after careful investigation and in cooperation with other federal agencies, State water pollution control agencies, interstate agencies, and the municipalities and industries involved prepare or develop comprehensive programs for preventing, reducing or eliminating the pollution of the navigable waters and ground waters and improving the sanitary conditions of surface and underground waters." 33 U.S.C. §1252(a).

2. Resource Conservation Recovery Act ("RCRA"), 42 U.S.C. §§6901 et seq.
 - a. State solid waste regulatory programs authorized. 42 U.S.C. §6926.
 - b. State underground storage tank programs authorized. 42 U.S.C. §6991c.
3. Clean Air Act, 42 U.S.C. §§7401, et seq.
 - a. Public involvement in preparation of state and regional implementation plans, 42 U.S.C. §7410.
4. Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§9601, et seq.
5. Community Right to Know, 42 U.S.C. §§11001 et seq., implements broad authority to inform members of the public regarding the existence or presence of regulated substances.

E. Resource Development

1. Mined Land Reclamation, C.R.S. §§34-32-101-127; 34-101-32.5 to 32.5-125.
2. Federal leasing laws.
 - a. Coal leasing, 30 U.S.C. §201
 - b. Coal leasing on acquired lands, 30 U.S.C. §357
 - c. Leasing in railroad lands or rights-of-way, 30 U.S.C. §301
3. Federal Lease Royalties, C.R.S. §34-61-101.
4. Surface Mining Coal Reclamation Act ("SMCRA"), 30 U.S.C. §§1201, 1253, 1255.
 - a. Public notice required for coal mining permits. 30 U.S.C. §1263.

F. Public and Rural Services

1. Plant and Animal Damage
 - a. 7 U.S.C. §2808, 2814 (cooperate with counties on noxious weed control);

- b. 7 U.S.C. §** (cooperate with state and local government in animal damage control).
 - c. State agencies authorized to control noxious weeds on public lands, 43 U.S.C. §1241.
 - 2. Electrical and Telephone Services
 - a. 7 U.S.C. §950aa (economic development aid for service)
 - b. 7 U.S.C. §2281 US Department of Agriculture advisory councils
- G. Federal Transportation System
 - 1. Federal Highway Act
 - a. Consult with local governments, 23 U.S.C. §204, 214.

COLORADO REVISED STATUTES

I. LAND USE PLANNING

A. Planning Authority of County Governments

- 1. C.R.S. § 29-20-102 grants county government broad authority to plan for land uses within boundaries of the county so long as it does not impinge on state authority
- 2. C.R.S. § 29-20-104 enumerates scope of authority including regulation of hazardous areas, protection of significant wildlife habitat and species, preserving areas of historical and archeological importance, roads, phased development and changes in population densities
- 3. C.R.S. § 29-20-105 authorizes counties to cooperate with other units of government in land use planning, including comprehensive development plans
- 4. C.R.S. §29-20-108 grants specific direction and authority to plan and authorize utilities and natural gas facilities
- 5. C.R.S. §29-20-201 protects private property rights from public use without compensation, including conditions on land use approvals that are not proportional, C.R.S. §29-20-203

B. State Coordination

- 1. C.R.S. §24-32-101 establishes a Division of Local Government
- 2. C.R.S. §24-32-109, Local Affairs Department to aid counties in identification and designation of matters of state interest.

3. C.R.S. §24-32-112, Department of Local Affairs to develop data relevant to local and regional planning and to encourage comprehensive planning
 4. C.R.S. §24-32-207, Provide financial or other planning assistance in accordance with federal or state laws,
 5. C.R.S. §24-32-302; Division of Planning is to focus on economic development for rural and lesser populated areas of the state,
 6. C.R.S. §24-32-802, establishes a specific rural development office to provide technical assistance, recommend changes in state law, do studies and identify solutions, if requested,.
 7. Smart Growth legislation, C.R.S. §§24-32-3201, et seq.
 - a. C.R.S. §24-31-3201 provides incentives for master planning and growth management
 - b. C.R.S. § 24-32-3203 Authorizes designation of communities as Colorado heritage communities with additional funding and assistance to manage development
- B. State Land Use Commission, C.R.S. §§24-65-101, et seq
1. C.R.S. §24-65-101 establishes a statewide land use commission to develop land use programs
 2. C.R.S. §24-65-101(1)(b) requires that land use programs delegate authority to local government
 3. Directs consultation with county governments on many matters concerning land use, growth management, and data.
- C. Designation of Areas and Facilities as Areas of State Interest
1. C.R.S. §24-65.1-102 establishes a policy to protect areas and facilities which are found to be of state interest
 2. C.R.S. §24-65.1-102(b), counties are encouraged to identify and designate Areas of State Interest;
 3. C.R.S. §24-65.1-102(b) the authority to designate Areas of State Interest applies to all lands within the state, including public domain and private land
 4. C.R.S. §24-65.1-104, Areas of State Interest may include lands, wetlands, erosion areas, plus any natural resource of statewide importance such as wildlife habitat,

5. C.R.S. §24-65.1-104 Areas of State Interest also applies to facilities, such as airports, minerals and mineral resource areas, roads, highways, and interchanges
6. C.R.S. §24-65.1-201-204, defines scope of state interest under this section
7. C.R.S. §24-65.1-301 defines role of county in identification and designation
8. C.R.S. §24-65.1-401-403 establishes procedures for identification and designation
9. C.R.S. §24-65.1-405 requires public hearing before designation and notification to State Land Use Commission, which has right of review

II. NATURAL RESOURCES

A. C.R.S. §24-33-102, establishes a Department of Natural Resources

1. C.R.S. §24-33-106, if state lands are to be sold and will be acquired by the Department of Natural Resources, then must have a public hearing
2. C.R.S. §24-33-106(4)(b) land transactions must protect agriculture and grazing interests
3. C.R.S. §24-33-109(4), Conservation agreements may include counties, must be voluntary and must protect private property rights,

B. State Land Board

1. C.R.S. §36-1-118.2(1), Must consider impacts of leasing of state lands on community stability,
2. C.R.S. §36-1-120, County rules cannot prevent development,
3. Art IX, §10(1)(b)(I) Stewardship Land Trust
 - a. C.R.S. §36-1-107.5 establishes stewardship trust for some state lands
 - b. C.R.S. §36-1-107.5(2) counties are to be notified if state lands are nominated for trust and to have opportunity to comment

C. Wildlife

1. C.R.S. §33-1-108(1), Division of Wildlife authorized to issue regulations, which require public comment
2. C.R.S. §33-1-110, Authorized to coordinate control of noxious weeds and to reimburse counties

3. C.R.S. §33-2-105.5, Must secure legislative approve for reintroduction of any state or federally listed species or candidate,
4. C.R.S. § 33-2-105.6(1)(b)(II), must work with counties as to black footed ferret reintroduction.