

Northwest Colorado Working Landscape Trust



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MISSION STATEMENT:

The Northwest Colorado Working Landscape Trust will assure responsible management of federal lands in Moffat County for a balance of resource protection and use.

GOALS:

Provide a proactive technique to ensure science based long-term protection of federally managed natural resources within Moffat County.

Identify, address, and implement land management projects to assure the local economy, custom and culture, and natural resource values that currently exist in Moffat County, Colorado are maintained or enhanced.

BACKGROUND:

Public land management of federal lands across the western United States and specifically Moffat County, Colorado has become increasingly controversial. Environmental groups have proposed approximately 344,776 acres of Moffat County land be managed as wilderness. This is approximately 18.9% of federal land in Moffat County, or 11.4% of Moffat County's total land base. Despite national use of these lands, it remains the local community that is most directly impacted by land management designations. In many cases land management proposals by individual groups who represent one interest, find themselves in conflict with other groups or individuals who use public lands. In an attempt to represent all stakeholders in these lands, Moffat County, with the support of neighboring counties and states, proposes the Northwest Colorado Working Landscape Trust as an alternative to special land designations.

Many locally implemented projects have already demonstrated successful partnering to preserve federal and state lands and land uses in Moffat County, Colorado. Although not as large-scale as the project proposed herein, these projects demonstrate proactive plans to prevent federal endangered specie listings, recovery of endangered species, cooperative land management by diverse interest partnerships and encourage respect for diverse land uses. A partial list of these projects include:

- Axial Basin Coordinated Resource Management Program
- Columbian Sharptail Grouse Management Plan
- Greater Sage Grouse Management Plan
- Yampa River Basin Partnership
- Recovery Implementation Program for Endangered Fish Species
- Aquatic Wildlife Management Plan
- Yampa River Programmatic Biological Opinion
- Bureau of Land Management Resource Advisory Council
- Moffat County Land Use Plan
- Moffat County Wildland Fire and Fuel Management Plan
- Little Snake Management Area Black Footed Ferret Reintroduction Plan
- Wolf Creek Basin Black Footed Ferret Reintroduction Plan

Although the above mentioned projects demonstrate Moffat County's commitment to resource protection, the proposed Trust is necessary to secure a long-term vesting in the natural resources of Moffat County, which does not currently exist.

This Trust in no way implies a lack of support for private property rights or protection of private lands and the resources they provide which are integral to Moffat County's custom and culture. Statements and recommendations within this document shall not violate the Constitution of the United States of America or the Constitution of the State of Colorado.

JUSTIFICATION:

This Trust is necessary to guarantee long-term security for all land uses and to guarantee regional cooperation between agencies for the benefit of land uses within the project boundaries. Currently, long-term security does not exist for all federal land uses on federally managed lands in Moffat County. Broad priorities are directed through local federal land management offices from cabinet members, state directors, regional directors and others that have been appointed by the existing presidential administration. There are examples of land uses identified as legitimate and important in existing resource management plans that are not allowed to occur or are not occurring to the extent intended by the various resource management plans. This Trust offers a mechanism to foster cooperation to accomplish regional land management projects benefiting all land uses in the project area.

Examples Where the Trust can Break Existing Gridlock

- 1) Resolution of resource conflicts shall be vested in the Trust.
- 2) The Trust will provide the necessary funding to accomplish the Trust Objectives and Priorities.
- 3) The Trust will provide the conduit necessary to properly execute adopted resource management plans.
- 4) The Trust will assist federal agencies in setting management goals realistic to the uses defined by existing legislation or Resource Management Plans.
- 5) The Trust will assure discussion occurs about one land use being incorporated with others, rather than one land use overriding other land uses.
- 6) The Trust will provide efficient means to implement land management projects utilizing existing laws, statutes, and properly developed resource management plans.
- 7) The Trust will offer a means to preserve and enhance responsibly implemented economic development opportunities.
- 8) The Trust will give land users the means to control the destiny of their land uses (through direct representation on the Board of Trustees).
- 9) The Trust enables the accomplishment of land management projects.

The Northwest Colorado Working Landscape Trust ensures:

1. a holistic approach to resource management occurs on all federally managed lands as well as private and state lands that voluntarily participate in the Trust.
2. decision making authority is vested in a locally based collaborative process which incorporates national and local voices into management decisions.
3. a legislative “right” is granted to land uses occurring in the project area.
4. a science and research based method is used to collectively manage federal lands.
5. management is comprised of a balanced representation of all land uses.
6. reduced conflict among stakeholders.
7. a diverse partnership of stakeholders reaching unanimous consent for federal land management.
8. natural resource management is balanced with local economic needs and desires.
9. management of the resource in an adaptive fashion, based on continued land monitoring.
10. creation of a model process that can be replicated by other western areas.
11. possibilities for expanding project area to ecologically sensible boundaries, as opposed to political boundaries.

PROJECT AREA:

All Federally Managed Lands within Moffat County, Colorado

National Park Service
United States Forest Service
Bureau of Land Management
Fish and Wildlife Service

* State of Colorado lands and private landowners may elect to use their land to cooperate and participate in accomplishing the goals of the Trust on a voluntary and discretionary basis. Leasing options shall be considered for State or private lands participating in the Trust.

TRUSTEES:

The Board of Trustees will consist of a seven (7) member regulatory board using a unanimous consent based decision making process. The Board of Trustees is entrusted with implementing the Trust and is based within the project area.

Duties of Trustees:

Ensure management of project area lands are conducted consistent with congressional mandates respective to each federal agency.

Ensure that management of project area lands are comprised of a balanced representation of all land uses, excluding none.

Make final decisions and provide guidance to implement decisions regarding land management and protection within the project area.

Develop goals, project priorities, recommend and provide a method to implement resource management priorities within the project area.

Administer the implementation of existing land use plans for the natural resources on public lands and participating lands within the Trust project area. Assist in preparation and amendment of resource management plans where necessary.

Develop standards for natural resource use, protection, and economic sustainability.

Establish guidelines for resource use and preservation for lands in the project area.

Allocate the expenditures of Trust funds for personnel and land management projects.

Establish geographic areas within the project area where resource use and preservation shall occur, and assist in defining those uses and preservation methodologies.

Provide a means to implement projects where federal agencies and other voluntary participants collaborate in an ecosystem based approach to manage project area lands.

Provide a science and research based method to manage federal lands and lands voluntary placed in the Trust.

Hear, evaluate, and make rulings on appeals of the Trustees decisions from any party that can demonstrate they have been aggrieved and adversely affected.

Accept responsibility and liability for all management decisions on behalf of the Trust.

Seats Filled by Trustees:

Trustees for the Northwest Colorado Working Landscape Trust consist of a Seven (7) member regulatory board using a unanimous consent based decision making process. Trustee positions to be filled are:

Agriculture – representative demonstrates a working knowledge of the ranching or farming industry using federal lands in Moffat County, Colorado.

Recreation – representative demonstrates a working knowledge of primary recreational uses of federal lands in Moffat County, Colorado.

Retail business- representative demonstrates a working knowledge of retail business interests dependent upon federal lands in Moffat County, Colorado.

Minerals/Industry- representative demonstrates a working knowledge of the mineral extraction and/or industry interests represented on federal lands in Moffat County, Colorado.

Environment – representative demonstrates a working knowledge of environmental organizations’ interests on federal lands in Moffat County, Colorado.

Local Government – representative demonstrates a working knowledge of city (unincorporated or incorporated) or county government interests on federal lands in Moffat County, Colorado.

Landowner- representative owning land (of any size, within or outside of city limits), and demonstrates a working knowledge of landowner interests on federal lands in Moffat County, Colorado.

Qualifications of Trustees:

Trustees shall represent a balance of practical experience and ability to demonstrate scientific or technological knowledge related to the seat which they fill.

Qualified Trustees must be able to demonstrate an ability to provide informed and objective advice regarding an industry, discipline, or interest specified in the Trustee seat to be filled. This can be accomplished through education, training, knowledge, or experience regarding issues in the project area represented by each Trustee seat.

Trustees must also be able to demonstrate a commitment to collaborate in seeking solutions to a wide spectrum of resource management issues.

At least four (4) of the seven (7) seats will be filled by Moffat County residents. It is the intent of this Trust to ensure those who work, live, and are most directly impacted by federal land management decisions be empowered to help make those land management decisions. It is also the intent of this Trust that the Trustees shall represent national interests as well as local interests, since the lands in the Trust are used by both. National interests shall be represented through the Governor and the Commissioners appointing Trustees that represent national as well as local voices.

Trustee Appointment:

3 members appointed by Moffat County Commissioners
3 members appointed by the Governor of Colorado
1 member appointed by mutual agreement between the Governor and Commissioners

Nomination of Prospective Trustees:

Nominations shall be accepted for Trustee members from local or national governments, local or national organizations, private or public business, industry, and individuals.

Removal of Trustees:

Trustees shall serve staggered six (6) year terms.

A 6 to 1 vote by Trustees will recommend removal of any Trustee.

A 6 to 1 vote does not automatically remove Trustee. Actual removal of any Trustee is decided as described below.

The Board of Trustees must recommend removal to the Moffat County Commissioners if the Commissioners appointed the Trustee in question, the Colorado Governor if he/she appointed the Trustee in question, or both if the position in question was mutually appointed. If upon agreement of the 6 to 1 vote, the appointing party must reappoint a representative to the Board of Trustees. If the County Commissioners, Governor, or both do not agree with the 6-1 vote, the Trustee remains in their appointed seat.

The Trustee removal process is intended to prevent groups or individuals from circumventing the Trustees' mission. The removal process is intended to create a process to remove Trustees who do not accurately represent their seat on the Board of Trustees.

OVERSITE OF TRUSTEES:

Trust Advisory Council

A seven (7) member advisory board uses a voting (5 to 2 vote passes) based decision making process. The Trust Advisory Council shall provide oversight to assure proper and fair Trust administration. The Trust Advisory Council should not need to meet regularly and should only meet to address an aggrieved party's concern that has not received remedy through the Board of Trustees.

Duties of the Trust Advisory Council

Hear, evaluate, and rule on appeals made by aggrieved and adversely affected parties impacted by general Trust management.

Provide a final recommendation to Trustees on appeals of Trustee decisions from any party that can demonstrate they have been aggrieved and adversely affected.

Provide a method for processing and adjudicating adverse claims and protests to decisions of the board of Trustees

To assure all contests, adverse claims, protests, and conflicts are adjudicated and processed in accordance with due process of law and within prescribed federal agency policies and procedures.

Assure the Board of Trustees is managing lands according to the objective and purpose of the Trust.

Seats Filled in the Trust Advisory Council:

Advisory Council consists of representatives from each of the general land use categories as represented in the Trustee seats. These include:

- Agriculture
- Recreation
- Landowner
- Retail business
- Minerals/Industry
- Environment
- Local government

Qualifications of Trust Advisory Council:

Council members shall represent a balance of practical experience and ability to demonstrate scientific or technological knowledge related to the seat which they fill.

An Advisory Council member shall be able to demonstrate a working knowledge of federal land management issues within the seat they are interested in filling. A council member must be able to demonstrate ability to provide informed and objective advice regarding a industry, discipline, or interest specified in the council seat to be filled. This can be accomplished through education, training, knowledge, or experience regarding issues in the project area represented by each council seat.

Council members must demonstrate a commitment to collaborate in seeking solutions to a wide spectrum of resource management issues.

Residency requirements shall not pertain to Advisory Council seats.

Advisory Council Appointment

3 members appointed by Secretary of Interior
3 members appointed by Secretary of Agriculture
1 member appointed by mutual agreement between both Secretaries.

The United States Senate shall confirm appointments.

Nomination of Trust Advisory Council

Nominations for Advisory Council members shall be accepted from local or national governments, local or national organizations, private or public business and industry, and individuals.

Removal of Trust Advisory Council Members

Advisory Council members shall serve staggered three (3) year terms.

If a Trust Advisory Council Member removal occurs prior to term limits the Secretary of the Interior must remove the council member if he/she appointed the council member in question, the Secretary of Agriculture if he/she appointed the council member in question, or both if the position in question was mutually appointed.

TRUST FUNDING:

Project funding is generated from federally managed lands within Moffat County and the boundaries of project area.

Funding shall be managed and appropriated by Board of Trustees to accomplish Trust objectives and priorities. Appropriations may include a variety of methods, including funding federal, state or private interests to implement Trust Objectives and Priorities.

Congress shall designate 75% of all annual federal lands' lease revenue placed in the U.S. Treasury and generated in Moffat County, Colorado for use in this Trust. This portion shall be specifically used to fund the Northwest Colorado Working Landscape Trust. This funding is in addition to, not in substitution of, current agency revenues.

Funding may be used on federal lands as well as non-federal lands, such as state and private lands that volunteer to participate in projects that meet the objectives of this trust.

APPEALS PROCESS:

Only those who can demonstrate they are in fact harmed, aggrieved, and adversely affected may appeal.

Appeals shall be evaluated based on standards set in the Trust Objectives and Priorities. Appeals will be first evaluated based on relevancy and presentation of written evidence. If further evaluation is needed formal hearings may be required.

The Appellant must show that they use the land in question and that the decision being appealed directly affects their interests.

Appeals must be filed within thirty (30) days of the announcement of the Board of Trustees management decision.

The Trustees, through the appeal process, will reconsider their decision based upon the written information provided and any oral presentation given. Anyone seeking to support the initial decision of the Trustees may seek to intervene within 14 days of the filing of any notice of appeal.

The Trustees shall consider their decision in light of the appeal and render a decision on the appeal within 45 days after the close of the hearing record.

Initial appeals must be made to the Board of Trustees and the Appellant must demonstrate a reasonable effort to resolve their issue with the Board of Trustees. In the event the resolution by the Board of Trustees does not satisfy the Appellant, the Appellant may present their case to the Trust Advisory Council for reconsideration. The Appellant must file, with the Trust Advisory Council, a the notice of appeal of the Trustees decision within 30 days of the Trustees rendering a decision regarding the Appellant's case.

Once the Advisory Council carefully evaluates an appeal and rules in favor of the Board of Trustees, the decision is final. If the Advisory Council rules in favor of the Appellant, the Advisory Council shall provide recommendations to the Board of Trustees on how to remedy the situation which caused the appeal. If the Board of Trustees still does not remedy the situation based on the advice of the Advisory Council, the Appellant may proceed through the federal court system to seek remedy.

Formal records shall be established and recorded regarding any appealed case.

The U.S. court system may only be used after the Advisory Council has ruled in favor of the Appellant and the Board of Trustees has failed to adequately remedy the situation.

ROLE OF FEDERAL LAND MANAGERS AND EXISTING RESOURCE PLANNING DOCUMENTS

Federal land managers, under this Trust proposal, will cooperate with the Board of Trustees to establish a viable method to implement Trust objectives and priorities.

The inclusion of an area in the Northwest Colorado Working Landscape Trust notwithstanding, the area shall continue to be managed pursuant to the applicable federal statutes, which apply to the federal lands before their inclusion in the Northwest Colorado Working Landscape Trust, unless otherwise provided by Act of Congress. In general this means the majority of existing land use planning authorities, permitting, public input acts, and programs currently in existence will remain. However, resolution of resource conflicts will now be vested in the Trust. In addition, valid existing land use planning documents that have been through the public process shall remain in effect unless otherwise modified through an Act of Congress.

Federal Land Managers will be cooperating partners in the Trust by providing experience, knowledge, and scientific and technical expertise on land management issues within the project area.

Federal Land Managers shall cooperate with the Board of Trustees and offer assistance and a means to implement the below listed objectives and priorities of the Trust.

OBJECTIVES AND PRIORITIES OF THE TRUST

The Northwest Colorado Working Landscape Trust is a process which will maintain or enhance all possible land uses, maintain or enhance the local economy, maintain or enhance local custom and culture, as well as maintain or enhance the unique characteristics and values for which federal lands in Moffat County are used. No one interest or use will exclude another. The Trust shall ensure all interests and uses occur in a responsible manner.

Objectives of the Trust shall focus on each of the following priorities:

1. Custom and Culture

Custom and culture is defined by the activities and values that people of communities affected by the Trust depend upon for well-being and subsistence. Protection of private property rights and their associated resources are integral to defining custom and culture in the project area. Since citizens locally and nationwide are both directly and indirectly dependent upon natural resources within the project area, management decisions affecting public land directly impacts custom and culture. Therefore, a critical tie exists between the use of private, federal, and state natural resources and the economic stability of the areas impacted by the Trust lands. 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 the local areas custom and culture.

Therefore, regarding custom and culture, the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

The Trust ensures consideration of the social, cultural, and economic needs of the local communities impacted by the Trust when developing plans and making recommendations that affect the custom and culture of the communities. Furthermore, the consideration process which was used to assess impacts to the affected communities' custom and culture shall be cited in land management plans.

The Trust (Board of Trustees) will review federal land use and planning issues impacting the affected communities' custom and culture and make recommendations pertinent to the issue in question.

The Trust and its partners shall enhance opportunities for responsible use of public lands which benefit the custom and culture and economic base of the affected communities.

2. Economics

Economics pertain to the development and management of the material wealth of a government or community. The lands within this Trust have been targeted for numerous proposals by environmental groups, federal and state agencies, and other interests to designate special land management uses on these lands. Special land management use changes have a rippling effect on the economics of the affected communities. Therefore, it is crucial that each land use decision be balanced with its economic impact. 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 the affected communities.

Therefore, regarding economics, the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

The Trust ensures opportunities to evaluate and entertain options for free trade and enterprise based on their merits and impacts to the Trust lands.

The Trust ensures natural resource management changes shall evaluate, mitigate, and minimize the economic impacts of the proposed changes, to the custom and culture of the affected communities, and citizens.

3. Multiple Use

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. *As per this Trust, multiple use is not a special land designation, rather it is a management practice for all lands within the Trust not currently assigned to a special land designation.* Multiple use management plays an integral role in the custom and culture of the affected communities. Many people, locally and nationally, are directly and indirectly dependent upon public lands for their livelihoods and recreation opportunities. Therefore, local communities' economy is dependent upon multiple use management and public use of natural resources occurring in the project area.

Therefore, regarding multiple use, the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

The Trust shall ensure economic needs are evaluated when making recommendations for multiple use management.

Education of and communication with the public shall occur on any land use management decision which affects traditional multiple use status of the Trust lands.

The Trust (Board of Trustees) will review federal land use and planning issues pertaining to natural resources, such as plan amendments, in the project area and make recommendations to applicable agencies and parties.

The Trust shall promote public respect for private structures on federal lands in an effort to reduce vandalism, educate land users, and promote multiple use management.

The Trust shall ensure opportunities are evaluated for commercial use of public lands for the purposes of benefiting custom and culture as well as the economic base of the affected communities.

4. Access

Access is a way of approach, entrance, passage, or egress. Many access issues in the project area involve roads and rights-of-way as well as undefined routes associated with general walk-in ingress, passage, and egress.

Many public lands access issues in the project area pertain to roads and rights-of-way. Local communities are dependent upon the use and development of public land resources. To utilize and protect these resources, adequate and feasible access is required.

Therefore, regarding access, the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

The Trust shall require full consultation prior to any road closures on federal land within the project area.

The Trust shall encourage cooperative efforts, 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 accessible for public use.

5. Agriculture

Agriculture is the art and science of growing crops and raising and breeding livestock. Of the three major revenue sources within the project area, agriculture, recreation, and mineral extraction/energy production, agriculture is the oldest source of revenue and land use. Managing land for agriculture has become increasingly difficult within the project area as other interests become apparent. The viability of agriculture in the project area has recently been threatened by special land designations, recovery efforts for the Greater Sage Grouse, road closures, big game management, and several other land uses. 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 worthy of protection. Wild game populations, open space and other land and water based recreation opportunities are directly related to the subsistence of agriculture.

Therefore, regarding agriculture, the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

The Trust shall promote responsible agricultural use and educational opportunities for protecting the natural resources in the project area.

The Trust shall ensure a thorough investigation of economic impacts to agriculture during any proposed land management changes or natural resource related planning efforts.

The Trust shall ensure Animal Unit Months (AUM's) are not adjusted on federal lands without scientifically based justification and full consultation between the permittee and administering agency.

The Trust shall ensure Desired Plant Community (DPC'S) goals are developed for management areas. The Desired Plant Community goals shall provide for a variety of land uses.

The Trust will take into consideration the potential economic impact of any proposed land management changes or natural resource related plans to the agriculture industry, and to the residents of affected communities. Any economic impacts to Moffat County's mineral and electricity generation industry directly impacts Moffat County custom and culture. Therefore, the Trust shall ensure agency plans or management recommendations shall include an agricultural impact description.

The Trust shall ensure programs are explored to compensate agricultural operations for maintaining open space.

The Trust shall promote public respect for private structures on federal lands in an effort to reduce vandalism, educate land users, and promote the multiple use concept.

6. Cultural and Archeological Resources

Archeology is the art and science of studying history from the remains of early human cultures as discovered chiefly by systematic excavations. Cultural evidence reveals patterns from a way of life of a specific period, race, or people. The project area 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 cultural 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 and future public land uses and the classification, recording, and protecting of cultural and archeological sites presents a significant challenge for public land managers in the project area. There is a need to develop public education and stewardship programs which increase awareness pertaining to cultural sites in the project area. Public education programs in the project area should focus on responsible visitation, the history and significance 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.

Therefore, regarding cultural and archeological resources, the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

The Trust 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 the Board of Trustees 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 the Board of Trustees to cooperate with federal agencies to more openly disclose locations of cultural and archeological sites which do not warrant special protection.

The Trust shall ensure 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.

The Trust shall ensure public visitation opportunities are provided to cultural and archeological sites while providing sufficient site protection. This can be accomplished by dedicating Trust funding to identify and mark cultural sites in the project area.

The Trust shall ensure existing land uses, such as oil and gas exploration, mining, road maintenance, and grazing, are not jeopardized 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. Accomplishing this objective shall help demonstrate a balance of existing uses and protection of cultural sites.

7. Law Enforcement

Law enforcement is the ability to compel observance of a rule of conduct. Due to the vastness of federal land in the project area enforcement of criminal and civil law continually creates new challenges as land uses and custom and culture of the area change. Certain jurisdictional limitations can be overcome with cooperative efforts and contracts or agreements between agencies and Moffat 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. Contracts or agreements as described in the Federal Land Management Policy Act should be created to help alleviate jurisdictional conflicts and to allow agencies to more efficiently respond to incidents.

Therefore, regarding law enforcement, the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

The Trust shall ensure 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 counties to develop contracts and agreements for cooperative law enforcement between respective counties and BLM, on BLM managed lands within project area.

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

8. Minerals and Industry

Minerals are naturally occurring homogeneous substances formed by organic or inorganic processes. Industry is a specific branch of production or manufacturing. Supporting infrastructure for the above listed mineral and industry activities in the project area includes the ability for the associated industries to operate and maintain transmission lines and towers, rails, roads, and water rights.

Much of the Nation's natural gas reserves occur on lands managed by government agencies. 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 the year 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.

Therefore, regarding minerals and industry, the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

The Trust shall support mineral and mining company efforts to conduct science based research applicable to mineral and mining industry subsistence, expansion, and new development.

The Trust shall ensure responsible and best available low environmental impact technology be used to explore and harvest minerals and generate electricity.

The Trust shall ensure future gravel pit excavation possibilities remain open on federal lands on or near the Browns Park Refuge area in order to replace the existing expired gravel pit near the Browns Park Refuge boundary.

The Trust will 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 to the residents of affected communities. Any economic impacts to the project area mineral and electricity generation industry directly impacts County tax revenues and County supported programs, such as the Moffat County School District. Therefore, the Trust shall ensure agency plans or management recommendations shall include an economic impact description.

The Trust shall ensure a thorough investigation of future mineral and industry estimated potential, and consequences to land use decisions being made. The Trust shall ensure federal planning documents shall acknowledge future potentials and estimate economic impacts, where possible, to the affected communities.

The Trust shall support a balance of the development and enforcement of air quality and water quality regulations that provide a balance between environmental protection and economics.

The Trust shall be a consulting party, interested party, or equivalent thereof, on federal air quality classification discussions.

9. Recreation and Tourism

Recreation is defined as an action, or lack thereof, which results in relaxation or entertainment and is enjoyed by those who participate. Tourism is traveling as, or for recreation. 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 and medical services, and waste disposal services. Moffat County outfitters, businesses, restaurants, hotels and motels, among others, depend on seasonal recreation and tourism for their livelihoods.

Therefore, regarding recreation and tourism, the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

The Trust shall recommend methods to investigate and determine appropriate carrying capacities for popular recreation activities in the County.

The Trust shall support recreation user groups and other affected interests assisting federal 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 the project area.

The Trust shall ensure an intense signing effort occurs to clearly identify Off-Highway Vehicle trails.

The Trust shall cooperate with recreation based clubs to promote responsible use for protecting the natural resources of Moffat County through education opportunities.

10. Special Land Designations

Land designations refer to tracts of land with distinctive and uniquely recognized use characteristics. As per this Trust, commonly used land designations in the project area 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. More than 40 recognized land designations exist nationwide. As per this Trust, multiple use is not a special land designation, rather it is a management practice for all lands in the project area not assigned to a special land designation.

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 for the interest group that proposed the designation. This trust shall ensure that special designations 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 included relatively few citizens of Moffat County and have not included input from local government or communities. This Trust will not support blanket proposals, which do not involve local input and where valid existing rights have not first been evaluated. In addition, none of the proposed wilderness areas in the Trust boundaries meet the criteria for wilderness as described in the Wilderness Act of 1964.

Therefore, regarding special land designation the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

Congress shall not designate any new wilderness areas in Moffat County, and release all existing Wilderness Study Areas to management through the Trust. This Trust in no way attempts to evaluate the legitimacy of existing wilderness areas established outside the boundaries of this Trust. If at any point in the future the boundaries of this Trust are

expanded to include existing wilderness areas, specific recommendations for those areas shall be determined.

The Trust proposed herein shall provide ample and responsible protection, preservation, and use for the lands contained within the Trust for current and future generations.

The Trust by its very design shall ensure protection of these lands and shall act as an alternative to special land designations. All future land uses within the Trust boundaries shall be evaluated and ruled upon by the Board of Trustees and its partners. Controversy arising shall be considered through the above outlined appeals process.

11. Water Resources

Water resources are simply supplies of water that can be drawn upon for various uses. Water and associated water rights in the project area are integral to municipal, industrial, agricultural, and recreational uses. These water rights are essential for the continued operation of coal mining and electricity generation activities in the project area. The agricultural uses of water from the Yampa River and its tributaries are directly associated with viability of agricultural operations throughout the project area. 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 federally managed land in the project area, with the two major river frontage managers 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 and recreational storage needs has resulted in several proposals to develop small reservoir storage in tributaries to the Yampa River.

Therefore, regarding water resources, the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

The Trust shall ensure results from the Small Reservoir Study being conducted by the Colorado River Water Conservation District be implemented within the project area to increase water storage capacity for a balance of endangered fishes, agricultural, industrial, and municipal uses.

The Trust shall support the expansion of Elkhead Reservoir as proposed by the Colorado River Water Conservation District for increasing options for recreation opportunities, endangered fishes, and the economic stability of surrounding communities after properly executed agreements with the various land management agencies and landowners have been established.

The Trust shall support water rights being allocated to individuals or agencies which fund and develop new water sources while managing for established Desired Plant Communities.

The Trust shall support identifying future water use issues and needs within the project area, when creating planning documents.

The Trust shall support Colorado State Law and the Prior Appropriation Doctrine and ensure that federal agencies utilize the State's system during future water appropriations.

The Trust shall ensure any water quality programs (i.e. non-point source pollution programs) evaluate, mitigate, and minimize the impacts on affected communities' custom and culture and economic viability.

12. Weed Management

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 Trust, 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.

General agreement exists on how to appropriately control weeds, however, a long-term commitment of funding from federal agencies has not occurred. For example, 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. Traditionally, Moffat County and federal 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 utilizing Integrated Plant Management concepts will result in acceptable weed control.

Therefore, regarding weed management, the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

The Trust shall ensure a secure funding source to establish long-term weed control on all participating lands within the project area.

The Trust shall ensure cooperative efforts with federal, state, and private land managers as an option for County weed control.

The Trust will support 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.

13. Wildlife (Animal)

Animal wildlife describes animals living in nature that are not domesticated or tamed. The project area hosts 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 lands provide vital habitat for wildlife species managed for consumptive and non-consumptive uses.

Therefore, regarding animal wildlife, the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

The Trust shall support wildlife management agencies managing public hunting access and public recreation opportunities within appropriate wildlife and recreation carrying capacities.

The Trust shall provide financial assistance to support agencies and parties participating in the Trust which manage wildlife, by dedicating resources to predator management.

The Trust shall support game harvest numbers based on a balance of habitat carrying capacity, effects on other wildlife and livestock populations, custom and culture, and economic impact to Moffat County.

The Trust shall recognize that existing methods of predator control remain as viable options for predator management, until such time that new and better technology offers new options for predator management.

The Trust shall support predator control based on a balance between the best science available, economics, and logistics evaluated on a case-by-case scenario.

The Trust shall provide funds dedicated to addressing game damage concerns based on problematic site needs.

The Trust shall provide funds for research and compensation to landowners who provide resource enhancement, that provides exceptional/unusually high habitat qualities for wildlife species of concern.

The Trust shall support testing procedures to reduce Whirling Disease in fish populations and Chronic Wasting Disease in big game populations.

The Trust shall support endangered fish recovery efforts in the Yampa River based on a balance of scientific justification, conserving past and future adjudicated water rights, and economic stability of affected citizens.

The Trust shall support results from the Small Reservoir Study conducted by the Colorado River Water Conservation District.

The Trust will support regulatory agencies adopting 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) rather than only woody plant density.

14. Wildlife (Plant)

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. Lands within the project area host 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. There are currently no known federally endangered plant occurrences in the project area and one federally threatened plant occurrence (Ladies' Tresses Orchid) along the Green River of the project area. However, the project area, and virtually all other areas of Colorado, 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 the Trust to cooperate with private citizens and federal and state agencies to establish a Desired Plant Community for areas within the project area. One reason for the need to establish Desired Plant Communities is to set goals for rare plant management.

Therefore, regarding plant wildlife, the Northwest Colorado Working Landscape Trust shall use the following framework to implement the Trust:

The Trust shall provide a means to research and provide funding opportunities and compensation to landowners who provide unusually high habitat qualities for animal and plant wildlife species of concern.

The Trust will provide the mechanism necessary to identify Desired Plant Communities for lands within the project area.

Conclusion

The Northwest Colorado Working Landscape Trust offers a new approach for federal land management that incorporates federal land management decisions with the people most directly affected by those decisions. The Trust is a process which will maintain and enhance all possible land uses, the local economy and custom and culture. In addition, the Trust will protect unique characteristics and values for which federal lands in the project area are used. The basis for the Trust is that no one interest or use will exclude another. The Trust shall ensure all interests and uses occur in a responsible manner and guarantee long-term security for all land uses. This Trust offers a mechanism to foster cooperation to accomplish regional land management projects benefiting all land uses in the project area. Furthermore, a method to fund the Trust is incorporated into this proposal, ensuring implementation of quality projects that benefit and protect the lands within the project area. Finally, this document is a working document that is constantly evolving and incorporating new ideas and suggestions.

