



PUBLIC LANDS POLICY COORDINATION OFFICE

NATURAL RESOURCES, AGRICULTURE, & ENVIRONMENTAL QUALITY APPROPRIATIONS SUBCOMMITTEE
 STAFF: IVAN DJAMBOV AND ANGELA OH

BUDGET BRIEF

SUMMARY

The Legislature created the Public Lands Policy Coordination Office (PLPCO) in 2005. PLPCO primarily focuses on four key areas:

R.S. 2477:

- initiate and support efforts to validate public access to federal lands through state and county-owned rights-of-way;
- initiate and prosecute, or join litigation that seeks to recognize rights-of-way; and
- initiate and support collaborative activities that result in the recognition of public access to federal lands.

Federal Land Management & Decision Making:

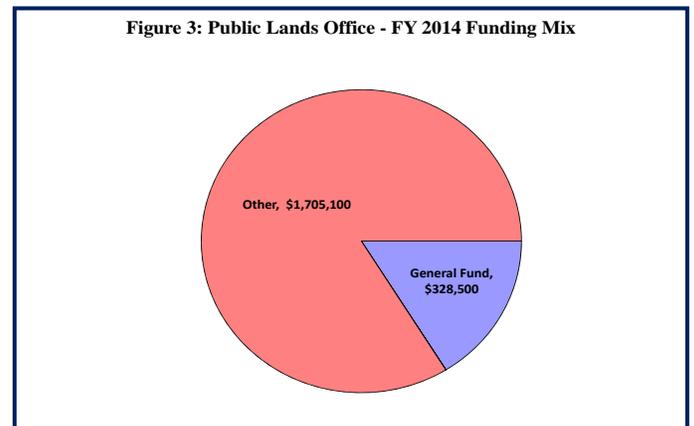
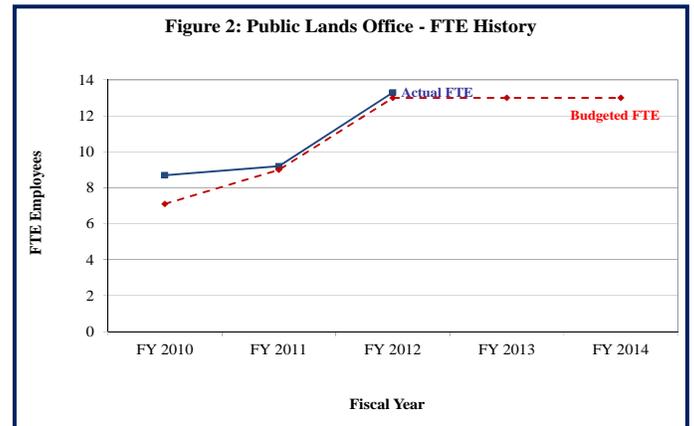
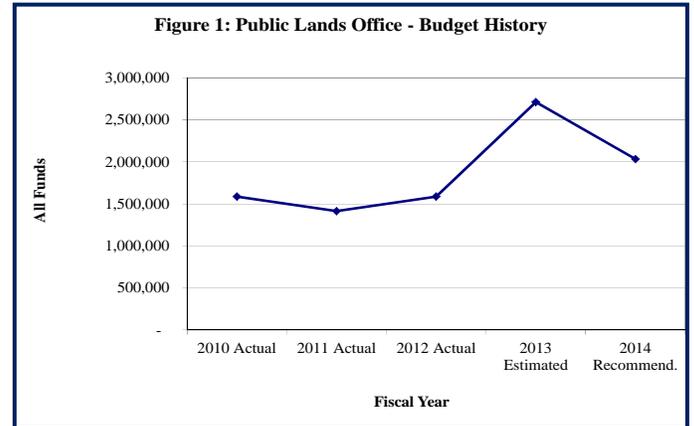
- initiate or participate in decision making discussions and dialogue that affect Utah's public lands interests such as legal matters involving the Endangered Species Act, recreation, and development; and
- represent Utah as a cooperating agency in the preparation and review of federal National Environmental Policy Act (NEPA) documents with the Bureau of Land Management, Forest Service, National Park Service, and other management agencies.

Transfer of Public Lands (H.B. 148, 2012 General Session):

- respond to the mandates of H.B. 148; and
- research and analyze comparative data relating to expenditures/results for similar management functions.

Archaeological Assistance and Permitting:

- assist state agencies in developing the processes to provide for responsible use and stewardship of archaeological resources; and
- oversee the issuance and management of archaeological survey and excavation permits.



ISSUES AND RECOMMENDATIONS

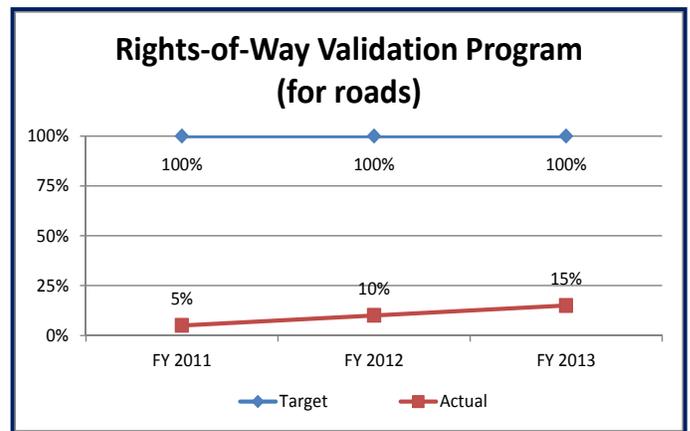
The total FY 2013 appropriated budget for PLPCO was \$2,711,600. Using the FY 2013 ongoing appropriation as the beginning point for the FY 2014 base budget, with changes in restricted funds (\$1,000,000) and nonlapsing balances \$322,000, the base budget for the PLPCO line item for FY 2014 is \$2,033,600.

The Analyst recommends the Legislature consider adopting the base budget of \$2,033,600, with \$328,500 from the General Fund.

ACCOUNTABILITY

High level performance measures provided by PLPCO include the following:

Rights-of-Way Validation Program – Litigation: By the end of FY 2012, litigation was initiated in 22 counties on over 13,400 rights-of-way. In FY 2013, work began to cull out roads that did not meet the requisite evidentiary standards. The total number of roads currently in litigation is approximately 12,000. PLPCO estimates that litigating these roads to a final resolution will take roughly 20 years. Accordingly, PLPCO aims to get 5% closer to a resolution of this matter each year. PLPCO is currently focused on resolving the dispute in court, but the evidence collected will support a resolution should the project be redirected towards a congressional or administrative solution.



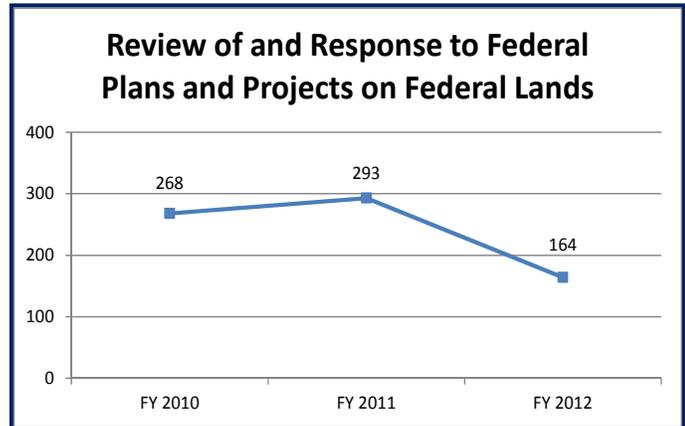
Rights-of-Way Validation Program: Witnesses with knowledge of specific rights-of-way must be interviewed, prepped, and deposed in order to acquire evidence to support an administrative, congressional, or judicial validation of rights-of-way granted under federal law. Each right-of-way in litigation will have a minimum of two witnesses that must be deposed. Each deposition is conducted on the record with the presence of the attorneys for both the plaintiffs (state and individual county) and the defendant (Department of Interior). The information obtained in depositions is necessary to successfully validate rights-of-way in federal court. As the demands of litigation change, this goal will also change. Work on the overall "roads project" has been ongoing for many years. Complaints were filed in FY 2012, and have been amended in FY 2013. Because the complaints were not filed until this past year, depositions were not necessary/possible until this year. Accordingly, there are no historical numbers for comparison.

- Target: 50 depositions

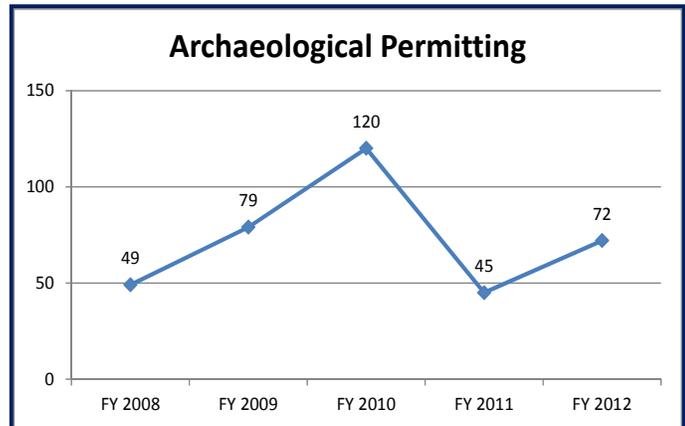
Rights-of-Way Validation Program – Litigation – Video/GPS Roads: Evidence must be gathered in order to support the validation of rights-of-way granted under federal law, whether validation occurs through an administrative, congressional, or judicial process. Most of the roughly 12,000 roads included in the litigation have been subjected to GPS over the past years. Funds were recently appropriated to acquire a 360° video camera that simultaneously captures GPS coordinates to produce higher quality evidence to assist in orienting witnesses and the court.

- Target: Video 250 roads

Review of and Response to Federal Plans and Projects on Federal Lands: The state has an interest in participating in the creation and review of the plans for resource utilization by federal land management agencies such as the BLM, Forest Service, and National Park Service. The state also has an interest in assisting with the environmental and economic review of projects proposed for federal lands in Utah. Each year, hundreds of projects are proposed, and federal land planning is continuous. PLPCO coordinates the review of these projects and plans by state agencies in order to ensure that the state speaks with one voice.



Archaeological Permitting: PLPCO is authorized to grant permits for qualified archaeologists to operate on state lands, and to grant a permit for excavation of lands for archaeological purposes. Permits are both principal investigator permits and data recovery permits. This measure shows the number of requests for permits that have been resolved in a timely manner (30 days by statute).



Intent Language

Under the terms of 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for Public Lands Policy Coordination Office in Item 23, Chapter 6, Laws of Utah 2012, shall not lapse at the close of FY 2013. Expenditures of these funds are limited to litigation expenses \$600,000.

The Legislature intends that the Public Lands Policy Coordination Office purchase a vehicle in FY 2013.

BUDGET DETAIL TABLE

Public Lands Office						
Sources of Finance	FY 2012 Actual	FY 2013 Appropriated	Changes	FY 2013 Revised	Changes	FY 2014* Recommended
General Fund	328,900	328,500	0	328,500	0	328,500
GFR - Constitutional Defense	1,366,000	1,383,100	0	1,383,100	0	1,383,100
GFR - Sovereign Lands Mgt	0	1,000,000	0	1,000,000	(1,000,000)	0
Beginning Nonlapsing	400,000	0	322,000	322,000	0	322,000
Closing Nonlapsing	(322,000)	0	(322,000)	(322,000)	322,000	0
Lapsing Balance	(185,300)	0	0	0	0	0
Total	\$1,587,600	\$2,711,600	\$0	\$2,711,600	(\$678,000)	\$2,033,600
Line Items						
Public Lands Office	1,587,600	2,711,600	0	2,711,600	(678,000)	2,033,600
Total	\$1,587,600	\$2,711,600	\$0	\$2,711,600	(\$678,000)	\$2,033,600
Categories of Expenditure						
Personnel Services	696,100	1,083,170	245,930	1,329,100	(61,600)	1,267,500
In-state Travel	51,800	22,000	29,800	51,800	0	51,800
Out-of-state Travel	12,700	8,500	3,900	12,400	200	12,600
Current Expense	531,000	340,230	682,070	1,022,300	(595,700)	426,600
DP Current Expense	296,000	107,700	188,300	296,000	(20,900)	275,100
Other Charges/Pass Thru	0	1,150,000	(1,150,000)	0	0	0
Total	\$1,587,600	\$2,711,600	\$0	\$2,711,600	(\$678,000)	\$2,033,600
Other Data						
Budgeted FTE	13	9	4	13	0	13
Actual FTE	13	0	0	0	0	0
Vehicles	2	2	0	2	0	2

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.