

Part 6

Public Lands Policy Coordination

63J-4-601 Definitions.

As used in this part:

- (1) "Coordinator" means the public lands policy coordinator appointed in this part.
- (2) "Office" means the Public Lands Policy Coordinating Office created by this part.
- (3) "Political subdivision" means a county, municipality, local district, special service district, school district, interlocal cooperation agreement entity, or any administrative subunit of them.
- (4) "State planning coordinator" means the person appointed under Subsection 63J-4-202(1)(a)(ii).

Amended by Chapter 121, 2009 General Session

63J-4-602 Public Lands Policy Coordinating Office -- Coordinator -- Appointment -- Qualifications -- Compensation.

- (1) There is created within state government the Public Lands Policy Coordinating Office. The office shall be administered by a public lands policy coordinator.
- (2) The coordinator shall be appointed by the governor with the consent of the Senate and shall serve at the pleasure of the governor.
- (3) The coordinator shall have demonstrated the necessary administrative and professional ability through education and experience to efficiently and effectively manage the office's affairs.
- (4) The coordinator and employees of the office shall receive compensation as provided in Title 67, Chapter 19, Utah State Personnel Management Act.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-4-603 Powers and duties of coordinator and office.

- (1) The coordinator and the office shall:
 - (a) make a report to the Constitutional Defense Council created under Section 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter 4a, Constitutional and Federalism Defense Act;
 - (b) provide staff assistance to the Constitutional Defense Council created under Section 63C-4a-202 for meetings of the council;
 - (c)
 - (i) prepare and submit a constitutional defense plan under Section 63C-4a-403; and
 - (ii) execute any action assigned in a constitutional defense plan;
 - (d) under the direction of the state planning coordinator, assist in fulfilling the state planning coordinator's duties outlined in Section 63J-4-401 as those duties relate to the development of public lands policies by:
 - (i) developing cooperative contracts and agreements between the state, political subdivisions, and agencies of the federal government for involvement in the development of public lands policies;
 - (ii) producing research, documents, maps, studies, analysis, or other information that supports the state's participation in the development of public lands policy;
 - (iii) preparing comments to ensure that the positions of the state and political subdivisions are considered in the development of public lands policy;
 - (iv) partnering with state agencies and political subdivisions in an effort to:

- (A) prepare coordinated public lands policies;
- (B) develop consistency reviews and responses to public lands policies;
- (C) develop management plans that relate to public lands policies; and
- (D) develop and maintain a statewide land use plan that is based on cooperation and in conjunction with political subdivisions; and
- (v) providing other information or services related to public lands policies as requested by the state planning coordinator;
- (e) facilitate and coordinate the exchange of information, comments, and recommendations on public lands policies between and among:
 - (i) state agencies;
 - (ii) political subdivisions;
 - (iii) the Office of Rural Development created under Section 63N-4-102;
 - (iv) the Resource Development Coordinating Committee created under Section 63J-4-501;
 - (v) School and Institutional Trust Lands Administration created under Section 53C-1-201;
 - (vi) the committee created under Section 63F-1-508 to award grants to counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
 - (vii) the Constitutional Defense Council created under Section 63C-4a-202;
- (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9, Chapter 8, Part 4, Historic Sites;
- (g) consistent with other statutory duties, encourage agencies to responsibly preserve archaeological resources;
- (h) maintain information concerning grants made under Subsection (1)(j), if available;
- (i) report annually, or more often if necessary or requested, concerning the office's activities and expenditures to:
 - (i) the Constitutional Defense Council; and
 - (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly with the Constitutional Defense Council;
- (j) make grants of up to 16% of the office's total annual appropriations from the Constitutional Defense Restricted Account to a county or statewide association of counties to be used by the county or association of counties for public lands matters if the coordinator, with the advice of the Constitutional Defense Council, determines that the action provides a state benefit;
- (k) provide staff services to the Snake Valley Aquifer Advisory Council created in Section 63C-12-103;
- (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section 63C-12-107; and
- (m) conduct the public lands transfer study and economic analysis required by Section 63J-4-606.
- (2) The coordinator and office shall comply with Subsection 63C-4a-203(8) before submitting a comment to a federal agency, if the governor would be subject to Subsection 63C-4a-203(8) if the governor were submitting the material.
- (3) The office may enter into a contract or other agreement with another state agency to provide information and services related to:
 - (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;
 - (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification Act, or R.S. 2477 matters; or
 - (c) any other matter within the office's responsibility.

Amended by Chapter 283, 2015 General Session

63J-4-606 Public lands transfer study and economic analysis -- Report.

- (1) As used in this section:
 - (a) "Public lands" is as defined in Section 63L-6-102.
 - (b) "Transfer of public lands" means the transfer of public lands from federal ownership to state ownership.
- (2)
 - (a) The coordinator and the office shall:
 - (i) conduct a study and economic analysis of the ramifications and economic impacts of the transfer of public lands;
 - (ii) during the study and economic analysis, consult with county representatives on an ongoing basis regarding how to consider and incorporate county land use plans and planning processes into the analysis; and
 - (iii) on an ongoing basis, report on the progress and findings of the study to the Commission for the Stewardship of Public Lands.
 - (b) The study and economic analysis shall:
 - (i) inventory public lands;
 - (ii) examine public lands':
 - (A) ownership;
 - (B) management;
 - (C) jurisdiction;
 - (D) resource characteristics;
 - (E) federal management requirements related to national forests, national recreation areas, or other public lands administered by the United States; and
 - (F) current and potential future uses and ways that socioeconomic conditions are influenced by those uses;
 - (iii) determine:
 - (A) public lands' ongoing and deferred maintenance costs, revenue production, and funding sources;
 - (B) whether historical federal funding levels have been sufficient to manage, maintain, preserve, and restore public lands and whether that funding level is likely to continue;
 - (C) the amount of public lands revenue paid to state, county, and local governments and other recipients designated by law from payments in lieu of taxes, timber receipts, secure rural school receipts, severance taxes, and mineral lease royalties;
 - (D) historical trends of the revenue sources listed in Subsection (2)(b)(iii)(C);
 - (E) ways that the payments listed in Subsection (2)(b)(iii)(C) can be maintained or replaced following the transfer of public lands; and
 - (F) ways that, following the transfer of public lands, revenue from public lands can be increased while mitigating environmental impact;
 - (iv) identify:
 - (A) existing oil and gas, mining, grazing, hunting, fishing, recreation, and other rights and interests on public lands;
 - (B) the economic impact of those rights and interests on state, county, and local economies;
 - (C) actions necessary to secure, preserve, and protect those rights and interests; and
 - (D) how those rights and interests may be affected in the event the federal government does not complete the transfer of public lands;
 - (v) evaluate the impact of federal land ownership on:

- (A) the Utah School and Institutional Trust Lands Administration's ability to administer trust lands for the benefit of Utah schoolchildren;
 - (B) the state's ability to fund education; and
 - (C) state and local government tax bases;
 - (vi) identify a process for the state to:
 - (A) transfer and receive title to public lands from the United States;
 - (B) utilize state agencies with jurisdiction over land, natural resources, environmental quality, and water to facilitate the transfer of public lands;
 - (C) create a permanent state framework to oversee the transfer of public lands;
 - (D) transition to state ownership and management of public lands using existing state and local government resources; and
 - (E) indemnify political subdivisions of the state for actions taken in connection with the transfer of public lands;
 - (vii) examine ways that multiple use of public lands through tourism and outdoor recreation contributes to:
 - (A) the economic growth of state and local economies; and
 - (B) the quality of life of Utah citizens;
 - (viii) using theoretical modeling of various levels of land transfer, usage, and development, evaluate the potential economic impact of the transfer of public lands on state, county, and local governments; and
 - (ix) recommend the optimal use of public lands following the transfer of public lands.
- (3) The coordinator and office shall:
- (a) on an ongoing basis, discuss issues related to the transfer of public lands with:
 - (i) the School and Institutional Trust Lands Administration;
 - (ii) local governments;
 - (iii) water managers;
 - (iv) environmental advocates;
 - (v) outdoor recreation advocates;
 - (vi) nonconventional and renewable energy producers;
 - (vii) tourism representatives;
 - (viii) wilderness advocates;
 - (ix) ranchers and agriculture advocates;
 - (x) oil, gas, and mining producers;
 - (xi) fishing, hunting, and other wildlife interests;
 - (xii) timber producers;
 - (xiii) other interested parties; and
 - (xiv) the Commission for the Stewardship of Public Lands; and
 - (b) develop ways to obtain input from Utah citizens regarding the transfer of public lands and the future care and use of public lands.
- (4) The coordinator may contract with another state agency or private entity to assist the coordinator and office with the study and economic analysis required by Subsection (2)(a).
- (5) The coordinator shall submit a final report on the study and economic analysis described in Subsection (2)(a), including proposed legislation and recommendations, to the governor, the Natural Resources, Agriculture, and Environment Interim Committee, and the Commission for the Stewardship of Public Lands before November 30, 2014.

Amended by Chapter 319, 2014 General Session

63J-4-607 Resource management plan administration.

- (1) The office shall consult with the Commission for the Stewardship of Public Lands before expending funds appropriated by the Legislature for the implementation of this section.
- (2) To the extent that the Legislature appropriates sufficient funding, the office may procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to assist the office with the office's responsibilities described in Subsection (3).
- (3) The office shall:
 - (a) assist each county with the creation of the county's resource management plan by:
 - (i) consulting with the county on policy and legal issues related to the county's resource management plan; and
 - (ii) helping the county ensure that the county's resource management plan meets the requirements of Subsection 17-27a-401(3);
 - (b) promote quality standards among all counties' resource management plans; and
 - (c) upon submission by a county, review and verify the county's:
 - (i) estimated cost for creating a resource management plan; and
 - (ii) actual cost for creating a resource management plan.
- (4)
 - (a) A county shall cooperate with the office, or an entity procured by the office under Subsection (2), with regards to the office's responsibilities under Subsection (3).
 - (b) To the extent that the Legislature appropriates sufficient funding, the office may, in accordance with Subsection (4)(c), provide funding to a county before the county completes a resource management plan.
 - (c) The office may provide pre-completion funding described in Subsection (4)(b):
 - (i) after:
 - (A) the county submits an estimated cost for completing the resource management plan to the office; and
 - (B) the office reviews and verifies the estimated cost in accordance with Subsection (3)(c)(i); and
 - (ii) in an amount up to:
 - (A) 50% of the estimated cost of completing the resource management plan, verified by the office; or
 - (B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.
 - (d) To the extent that the Legislature appropriates sufficient funding, the office shall provide funding to a county in the amount described in Subsection (4)(e) after:
 - (i) a county's resource management plan:
 - (A) meets the requirements described in Subsection 17-27a-401(3); and
 - (B) is adopted under Subsection 17-27a-404(6)(d);
 - (ii) the county submits the actual cost of completing the resource management plan to the office; and
 - (iii) the office reviews and verifies the actual cost in accordance with Subsection (3)(c)(ii).
 - (e) The office shall provide funding to a county under Subsection (4)(d) in an amount equal to the difference between:
 - (i) the lesser of:
 - (A) the actual cost of completing the resource management plan, verified by the office; or
 - (B) \$50,000; and
 - (ii) the amount of any pre-completion funding that the county received under Subsections (4)(b) and (c).

- (5) To the extent that the Legislature appropriates sufficient funding, after the deadline established in Subsection 17-27a-404(6)(d) for a county to adopt a resource management plan, the office shall:
 - (a) obtain a copy of each county's resource management plan;
 - (b) create a statewide resource management plan that:
 - (i) meets the same requirements described in Subsection 17-27a-401(3); and
 - (ii) to the extent reasonably possible, coordinates and is consistent with any resource management plan or land use plan established under Chapter 8, State of Utah Resource Management Plan for Federal Lands; and
 - (c) submit a copy of the statewide resource management plan to the Commission for the Stewardship of Public Lands for review.
- (6) Following review of the statewide resource management plan, the Commission for the Stewardship of Public Lands shall prepare a concurrent resolution approving the statewide resource management plan for consideration during the 2018 General Session.
- (7) To the extent that the Legislature appropriates sufficient funding, the office shall provide legal support to a county that becomes involved in litigation with the federal government over the requirements of Subsection 17-27a-405(3).

Amended by Chapter 265, 2016 General Session