

RESOLUTION ON WEST DESERT

WILDERNESS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Dennis H. Iverson

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR URGING

~~§ [CONGRESS TO REJECT]~~ THAT ANY FEDERAL § LEGISLATION DESIGNATING

WILDERNESS IN THE WEST

DESERT REGION OF UTAH ~~§ [UNLESS THE LEGISLATION FULLY PROTECTS THE~~

~~INTERESTS OF THE STATE]~~ AT A MINIMUM PROVIDES CERTAIN PROTECTIONS § .

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, H.R. 3035, Wilderness Areas in Utah National Park System Lands, has been introduced in the United States House of Representatives, heard in the House Committee on Resources' Subcommittee on National Parks and Public Lands, and awaits committee mark up; and

WHEREAS, federal legislation governing Utah wilderness must protect the interests of the state:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein, urge that any federal legislation designating wilderness in the west desert region of the state must, at a minimum, provide that:

(1) the designation be subject to all preexisting rights and rights held by state, local, and tribal governmental entities and that no federal law shall terminate or affect any valid lease, permit, patent, right-of-way, or other land use right or authorization or privilege;

(2) the grazing of livestock be permitted to continue based on sound range management, including predator control, permanent structures and water projects, which benefit the resource and § [ensure] § that grazing levels will remain viable for the operators within the wilderness areas;

(3) the designation of wilderness areas in the west desert region of the state shall not lead to the creation of protective perimeters or buffer zones around any such wilderness area and that the creation of protective perimeters or buffer zones outside of the designated areas shall be

28 prohibited;

29 (4) ~~§ [no federal law shall]~~ ANY WILDERNESS LEGISLATION SHALL NOT § change
standards

29a governing air or water quality outside of the
30 designated wilderness areas;

31 (5) ~~§ [no federal law shall]~~ ANY WILDERNESS LEGISLATION SHALL NOT § constitute either an
31a expressed or implied reservation of ground
32 water or surface water;

33 (6) ~~§ [no federal law shall restrict or preclude or require prior approval]~~ CONSISTENT WITH
33a FEDERAL LAW ANY WILDERNESS LEGISLATION SHALL ALLOW § for timely access to
34 any area necessary to respond to emergency situations, including fire prevention or eradication § ON
34a STATE OR PRIVATELY-OWNED PROPERTY § , and
35 immediate access, including access for emergency and rescue vehicles and equipment, shall not
36 be restricted if human life or health or property may be in jeopardy;

37 (7) the Secretary of the Interior shall not continue the plan amendment process initiated
38 pursuant to Section 202 of the Federal Land Policy and Management Act and identified by federal
39 Register notice dated March 18, 1999, page 13439 within Box Elder, Tooele, Juab, Millard,
40 Beaver, Iron, and Washington counties, and the lands of the United States administered by the
41 Bureau of Land Management in these counties shall not be subject to future wilderness reinventory
42 or study under Section 202 of the Federal Land Policy and Management Act of 1976;

43 (8) the public lands in Box Elder, Tooele, Juab, Millard, Beaver, Iron, and Washington
44 counties which are not designated for wilderness shall be released from further wilderness study
45 and shall be managed in accordance with the multiple use h AND SUSTAINED YIELD h principles
45a and definitions under the
46 Federal Land Policy and Management Act of 1976;

46a h (9) THE DESIGNATION OF WILDERNESS AREAS IN THE WEST DESERT REGION OF THE
46b STATE SHALL AVOID, WHERE POSSIBLE, KNOWN DEPOSITS OF ECONOMIC MINERALS
46c IMPORTANT TO THE FUTURE ECONOMY OF UTAH; h

47 h [(9)] (10) h § [the Secretary of the Interior's inventory, land use planning, and land]
47a [management
48 authority shall not include the authority to revisit the issue of wilderness protection for the public
49 lands not designated wilderness in federal law] SHOULD WEST DESERT WILDERNESS LEGISLATION
49a BECOME FEDERAL LAW, THE STATE OF UTAH WOULD CONCLUDE THE WILDERNESS ISSUE IS
49b RESOLVED IN BOX ELDER, TOOELE, JUAB, MILLARD, BEAVER, IRON, AND WASHINGTON
49c COUNTIES, AND THE STATE BELIEVES IT IS NOT IN THE BEST INTEREST OF THE STATE OR THE
49d DEPARTMENT OF INTERIOR TO REVISIT THE ISSUE OF WILDERNESS PROTECTION FOR THE
49e PUBLIC LANDS NOT DESIGNATED WILDERNESS § ; § [and] §

50 ~~h [(10)]~~ **(11)** ~~h~~ the Bureau of Land Management shall take into account the land use plans of
50a local
51 governmental and tribal governments and § ~~[shall]~~ **BE ENCOURAGED TO** § alter or amend existing
51a land use plans for west
52 desert wilderness areas to accommodate these local land use interests, including law enforcement,
53 emergency services, and access by county government to ensure provision of public services and
54 protection of county interests § [-] ; **AND**
54a **(11) THERE BE A SIMULTANEOUS EXCHANGE OF ANY STATE TRUST LANDS OR SOVEREIGN**
54b **LANDS.** §
55 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of the
56 United States Senate, the Speaker of the United States House of Representatives, the chairs of the
57 United States House of Representatives Committee on Resources' Subcommittee on National
58 Parks and Public Lands, and the members of Utah's congressional delegation.

Legislative Review Note
as of **2-2-00 11:17 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel