

COUNTY LAND USE PLANS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: David P. Hinkins

---

LONG TITLE

General Description:

This bill enacts a process for a county to recommend to the Legislature proposed congressional land use legislation concerning federal land use designation.

Highlighted Provisions:

This bill:

- ▶ defines terms;
  - ▶ enacts a process for a county to recommend to the Legislature proposed congressional land use legislation concerning federal land use within the county;
  - ▶ allows a county to prepare a report on and a draft concurrent resolution in support of the proposed congressional land use legislation to the Public Lands Policy Coordinating Office;
  - ▶ enacts language relating to the substance of a report prepared by the county;
  - ▶ authorizes the Public Lands Policy Coordinating Office to evaluate a report and assist, as requested, the county in preparing a report;
  - ▶ requires the Public Lands Policy Coordinating Office to submit a county's report and an evaluation of that report to a legislative committee;
  - ▶ enacts language related to a legislative committee's review of the report and possible action on a proposed concurrent resolution;
  - ▶ allows the governor to call a special session to consider the concurrent resolution;
- and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

30 None

31 **Other Special Clauses:**

32 This bill provides an immediate effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **63J-8-102**, as enacted by Laws of Utah 2011, Chapter 49

36 **63J-8-105**, as enacted by Laws of Utah 2011, Chapter 49

37 ENACTS:

38 **63J-8-107**, Utah Code Annotated 1953

39 REPEALS AND REENACTS:

40 **63J-8-106**, as enacted by Laws of Utah 2011, Chapter 49



42 *Be it enacted by the Legislature of the state of Utah:*

43 Section 1. Section **63J-8-102** is amended to read:

44 **63J-8-102. Definitions.**

45 As used in this chapter:

46 (1) "ACEC" means an area of critical environmental concern as defined in 43 U.S.C.  
47 Sec. 1702.

48 (2) "AUM" means animal unit months, a unit of grazing forage.

49 (3) "BLM" means the United States Bureau of Land Management.

50 (4) "BLM recommended wilderness" means a wilderness study area recommended for  
51 wilderness designation in the final report of the president of the United States to the United  
52 States Congress in 1993.

53 [~~4~~] (5) "FLPMA" means the Federal Land Policy Management Act of 1976, 43  
54 U.S.C. Sec. 1701 et seq.

55 (6) "Federal land use designation" means one or a combination of the following  
56 congressional or federal actions included in proposed congressional land use legislation:

57 (a) designation of wilderness within the National Wilderness Preservation System;

- 58            (b) designation of a national conservation area;
- 59            (c) designation of a watercourse within the National Wild and Scenic River System;
- 60            (d) designation of an ACEC;
- 61            (e) designation of a national monument in accordance with the Antiquities Act of 1906,  
62 16 U.S.C. Sec. 431 et seq. or by Congress;
- 63            (f) designation of a national park within the National Park System;
- 64            (g) designation of a national recreational area; or
- 65            (h) any other designation, classification, categorization, reservation, withdrawal, or  
66 similar action that has the purpose or effect of eliminating, restricting, or reducing energy and  
67 mineral development, motorized travel, grazing, active vegetation management, or any other  
68 traditional multiple use on public land.
- 69            [~~5~~] (7) "Forest service" means the United States Forest Service within the United  
70 States Department of Agriculture.
- 71            [~~6~~] (8) "Multiple use" means proper stewardship of the subject lands pursuant to  
72 Section 1031(C) of FLPMA, 43 U.S.C. Sec. [~~170~~] 1702(C).
- 73            (9) "National conservation area" means an area designated by Congress and managed  
74 by the BLM.
- 75            (10) "National wild and scenic river" means a watercourse:  
76            (a) identified in a BLM or Forest Service planning process; or  
77            (b) designated as part of the National Wild and Scenic River System.
- 78            (11) "National Wild and Scenic River System" means the National Wild and Scenic  
79 River System established in 16 U.S.C. Sec. 1271 et seq.
- 80            (12) "Office" means the Public Lands Policy Coordinating Office created in Section  
81 63J-4-602.
- 82            [~~7~~] (13) "OHV" means off-highway vehicle as defined in Section 41-22-2.
- 83            (14) "Proposed congressional land use legislation" means a draft or a working  
84 document of congressional legislation prepared by a person that includes a federal land use  
85 designation.

86            (15) "RARE II" means the second United States Forest Service Roadless Area Review  
87 and Evaluation report of 1984.

88            (16) "R.S. 2477 right-of-way" means a right-of-way established in accordance with 43  
89 U.S.C. Sec. 932 repealed by FLPMA 1976.

90            [~~(8)~~] (17) "Settlement Agreement" means the written agreement between the state and  
91 the Department of the Interior in 2003 (revised in 2005) that resolved the case of State of Utah  
92 v. Gale Norton, Secretary of Interior (United States District Court, D. Utah, Case No.  
93 2:96cv0870).

94            [~~(9)~~] (18) "SITLA" means the School and Institutional Trust Lands Administration as  
95 created in Section 53C-1-201.

96            [~~(10)~~] (19) (a) "Subject lands" means the following non-WSA BLM lands:

97            (i) in Beaver County:

98            (A) Mountain Home Range South, Jackson Wash, The Toad, North Wah Wah  
99 Mountains, Central Wah Wah Mountains, and San Francisco Mountains according to the  
100 region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal  
101 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
102 existed on February 17, 2011; and

103            (B) White Rock Range, South Wah Wah Mountains, and Granite Peak according to the  
104 region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for  
105 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
106 existed on February 17, 2011;

107            (ii) in Box Elder County: Little Goose Creek, Grouse Creek Mountains North, Grouse  
108 Creek Mountains South, Bald Eagle Mountain, Central Pilot Range, Pilot Peak, Crater Island  
109 West, Crater Island East, Newfoundland Mountains, and Grassy Mountains North according to  
110 the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's Proposal  
111 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
112 existed on February 17, 2011;

113            (iii) in Carbon County: Desbrough Canyon and Turtle Canyon according to the region

114 map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in  
115 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on  
116 February 17, 2011;

117 (iv) in Daggett County: Goslin Mountain, Home Mountain, Red Creek Badlands,  
118 O-wi-yu-kuts, Lower Flaming Gorge, Crouse Canyon, and Diamond Breaks according to the  
119 region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for  
120 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
121 existed on February 17, 2011;

122 (v) in Duchesne County: Desbrough Canyon according to the region map entitled  
123 "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at  
124 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
125 2011;

126 (vi) in Emery County:

127 (A) San Rafael River and Sweetwater Reef, according to the region map entitled  
128 "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in  
129 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on  
130 February 17, 2011;

131 (B) Flat Tops according to the region map entitled "Glen Canyon," which is available  
132 by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for  
133 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
134 existed on February 17, 2011; and

135 (C) Price River, Lost Spring Wash, Eagle Canyon, Upper Muddy Creek, Molen Reef,  
136 Rock Canyon, Mussentuchit Badland, and Muddy Creek, according to the region map entitled  
137 "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah"  
138 at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
139 2011;

140 (vii) in Garfield County:

141 (A) Pole Canyon, according to the region map entitled "Great Basin South" linked in

142 the webpage entitled "Citizen's Proposal for Wilderness in Utah" at  
143 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
144 2011;

145 (B) Dirty Devil, Fiddler Butte, Little Rockies, Cane Spring Desert, and Cane Spring  
146 Desert Adjacents, according to the region map entitled "Glen Canyon," which is available by  
147 clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for  
148 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
149 existed on February 17, 2011;

150 (C) Lampstand, Wide Hollow, Steep Creek, Brinkerhof Flats, Little Valley Canyon,  
151 Death Hollow, Studhorse Peaks, Box Canyon, Heaps Canyon, North Escalante Canyon, Colt  
152 Mesa, East of Bryce, Slopes of Canaan Peak, Horse Spring Canyon, Muley Twist Flank,  
153 Pioneer Mesa, Slopes of Bryce, Blue Hills, Mud Springs Canyon, Carcass Canyon, Willis  
154 Creek North, Kodachrome Basin, and Kodachrome Headlands, according to the region map  
155 entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's Proposal for  
156 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
157 existed on February 17, 2011; and

158 (D) Notom Bench, Mount Ellen, Bull Mountain, Dogwater Creek, Ragged Mountain,  
159 Mount Pennell, Mount Hillers, Bullfrog Creek, and Long Canyon, according to the region map  
160 entitled "Henry Mountains" linked at the webpage entitled "Citizen's Proposal for Wilderness  
161 in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on  
162 February 17, 2011;

163 (viii) in Iron County: Needle Mountains, Steamboat Mountain, Broken Ridge, Paradise  
164 Mountains, Crook Canyon, Hamlin, North Peaks, Mount Escalante, and Antelope Ridge,  
165 according to the region map entitled "Great Basin South" linked in the webpage entitled  
166 "Citizen's Proposal for Wilderness in Utah" at  
167 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
168 2011;

169 (ix) in Juab County: Deep Creek Mountains, Essex Canyon, Kern Mountains, Wild

170 Horse Pass, Disappointment Hills, Granite Mountain, Middle Mountains, Tule Valley, Fish  
171 Springs Ridge, Thomas Range, Drum Mountains, Dugway Mountains, Keg Mountains West,  
172 Keg Mountains East, Lion Peak, and Rockwell Little Sahara, according to the region map  
173 entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for  
174 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
175 existed on February 17, 2011;

176 (x) in Kane County:

177 (A) Willis Creek North, Willis Creek, Kodachrome Badlands, Mud Springs Canyon,  
178 Carcass Canyon, Scorpion, Bryce Boot, Paria-Hackberry Canyons, Fiftymile Canyon,  
179 Hurricane Wash, Upper Kanab Creek, Timber Mountain, Nephi Point, Paradise Canyon,  
180 Wahweap Burning Hills, Fiftymile Bench, Forty Mile Gulch, Sooner Bench 1, 2, & 3, Rock  
181 Cove, Warm Bench, Andalex Not, Vermillion Cliffs, Ladder Canyon, The Cockscomb, Nipple  
182 Bench, Moquith Mountain, Bunting Point, Glass Eye Canyon, and Pine Hollow, according to  
183 the region map entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's  
184 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the  
185 webpage existed on February 17, 2011; and

186 (B) Orderville Canyon, Jolley Gulch, and Parunuweap Canyon, according to the region  
187 map entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness  
188 in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on  
189 February 17, 2011;

190 (xi) in Millard County: Kern Mountains, Wild Horse Pass, Disappointment Hills,  
191 Granite Mountain, Middle Mountains, Tule Valley, Swasey Mountain, Little Drum Mountains  
192 North, Little Drum Mountains South, Drum Mountains, Snake Valley, Coyote Knoll, Howell  
193 Peak, Tule Valley South, Ledger Canyon, Chalk Knolls, Orr Ridge, Notch View, Bullgrass  
194 Knoll, Notch Peak, Barn Hills, Cricket Mountains, Burbank Pass, Middle Burbank Hills, King  
195 Top, Barn Hills, Red Tops, Middle Burbank Hills, Juniper, Painted Rock Mountain, Black  
196 Hills, Tunnel Springs, Red Canyon, Sand Ridge, Little Sage Valley, Cat Canyon, Headlight  
197 Mountain, Black Hills, Mountain Range Home North, Tweedy Wash, North Wah Wah

198 Mountains, Jackson Wash, and San Francisco Mountains, according to the region map entitled  
199 "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in  
200 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on  
201 February 17, 2011;

202 (xii) in Piute County: Kingston Ridge, Rocky Ford, and Phonolite Hill, according to  
203 the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal  
204 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
205 existed on February 17, 2011;

206 (xiii) in San Juan County:

207 (A) Horseshoe Point, Deadhorse Cliffs, Gooseneck, Demon's Playground, Hatch  
208 Canyon, Lockhart Basin, Indian Creek, Hart's Point, Butler Wash, Bridger Jack Mesa, and Shay  
209 Mountain, according to the region map entitled "Canyonlands Basin" linked in the webpage  
210 entitled "Citizen's Proposal for Wilderness in Utah" at  
211 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
212 2011;

213 (B) Dark Canyon, Copper Point, Fortknocker Canyon, White Canyon, The Needle, Red  
214 Rock Plateau, Upper Red Canyon, and Tuwa Canyon, according to the region map entitled  
215 "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage  
216 entitled "Citizen's Proposal for Wilderness in Utah" at  
217 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
218 2011;

219 (C) Hunters Canyon, Behind the Rocks, Mill Creek, and Coyote Wash, according to  
220 the region map entitled "Moab/La Sal" linked at the webpage entitled "Citizen's Proposal for  
221 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
222 existed on February 17, 2011; and

223 (D) Hammond Canyon, Allen Canyon, Mancos Jim Butte, Arch Canyon, Monument  
224 Canyon, Tin Cup Mesa, Cross Canyon, Nokai Dome, Grand Gulch, Fish and Owl Creek  
225 Canyons, Comb Ridge, Road Canyon, The Tabernacle, Lime Creek, San Juan River, and

226 Valley of the Gods, according to the region map entitled "San Juan" linked at the webpage  
227 entitled "Citizen's Proposal for Wilderness in Utah" at  
228 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
229 2011;

230 (xiv) in Sevier County: Rock Canyon, Mussentuchit Badland, Limestone Cliffs, and  
231 Jones' Bench, according to the region map entitled "San Rafael Swell" linked at the webpage  
232 entitled "Citizen's Proposal for Wilderness in Utah" at  
233 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
234 2011;

235 (xv) in Tooele County:

236 (A) Silver Island Mountains, Crater Island East, Grassy Mountains North, Grassy  
237 Mountains South, Stansbury Island, Cedar Mountains North, Cedar Mountains Central, Cedar  
238 Mountains South, North Stansbury Mountains, Oquirrh Mountains, and Big Hollow, according  
239 to the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's  
240 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the  
241 webpage existed on February 17, 2011, excluding the areas that Congress designated as  
242 wilderness under the National Defense Authorization Act for Fiscal Year 2006; and

243 (B) Ochre Mountain, Deep Creek Mountains, Dugway Mountains, Indian Peaks, and  
244 Lion Peak, according to the region map entitled "Great Basin Central" linked in the webpage  
245 entitled "Citizen's Proposal for Wilderness in Utah" at  
246 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
247 2011;

248 (xvi) in Uintah County:

249 (A) White River, Lower Bitter Creek, Sunday School Canyon, Dragon Canyon, Wolf  
250 Point, Winter Ridge, Seep Canyon, Bitter Creek, Hideout Canyon, Sweetwater Canyon, and  
251 Hell's Hole, according to the region map entitled "Book Cliffs" linked in the webpage entitled  
252 "Citizen's Proposal for Wilderness in Utah" at  
253 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,

254 2011; and

255 (B) Lower Flaming Gorge, Crouse Canyon Stone Bridge Draw, Diamond Mountain,  
256 Wild Mountain, Split Mountain Benches, Vivas Cake Hill, Split Mountain Benches South,  
257 Beach Draw, Stuntz Draw, Moonshine Draw, Bourdette Draw, and Bull Canyon, according to  
258 the region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for  
259 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
260 existed on February 17, 2011;

261 (xvii) in Washington County: Cougar Canyon, Docs Pass, Slaughter Creek, Butcher  
262 Knife Canyon, Square Top, Scarecrow Creek, Beaver Dam Wash, Beaver Dam Mountains  
263 North, Beaver Dam Mountains South, Joshua Tree, Beaver Dam Wilderness Expansion, Red  
264 Mountain, Cottonwood Canyon, Taylor Canyon, LaVerkin Creek, Beartrap Canyon, Deep  
265 Creek, Black Ridge, Red Butte, Kolob Creek, Goose Creek, Dry Creek, Zion National Park  
266 Adjacents, Crater Hill, The Watchman, and Canaan Mountain, according to the region map  
267 entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness in  
268 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on  
269 February 17, 2011, excluding the areas that Congress designated as wilderness and  
270 conservation areas under the Omnibus Public Lands Management Act of 2009; and

271 (xviii) in Wayne County:

272 (A) Sweetwater Reef, Upper Horseshoe Canyon, and Labyrinth Canyon, according to  
273 the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal  
274 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage  
275 existed on February 17, 2011;

276 (B) Flat Tops and Dirty Devil, according to the region map entitled "Glen Canyon,"  
277 which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's  
278 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the  
279 webpage existed on February 17, 2011;

280 (C) Fremont Gorge, Pleasant Creek Bench, Notom Bench, Mount Ellen, and Bull  
281 Mountain, according to the region map entitled "Henry Mountains" linked at the webpage

282 entitled "Citizen's Proposal for Wilderness in Utah" at  
283 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
284 2011; and

285 (D) Capital Reef Adjacents, Muddy Creek, Wild Horse Mesa, North Blue Flats, Red  
286 Desert, and Factory Butte, according to the region map entitled "San Rafael Swell" linked at  
287 the webpage entitled "Citizen's Proposal for Wilderness in Utah" at  
288 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,  
289 2011.

290 (b) "Subject lands" also includes all BLM and Forest Service lands in the state that are  
291 not Wilderness Area or Wilderness Study Areas;

292 (c) "Subject lands" does not include the following lands that are the subject of  
293 consideration for a possible federal lands bill and should be managed according to the 2008  
294 Price BLM Field Office Resource Management Plan until a federal lands bill provides  
295 otherwise:

296 (i) Turtle Canyon and Desolation Canyon according to the region map entitled "Book  
297 Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at  
298 <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

299 (ii) Labyrinth Canyon, Duma Point, and Horseshoe Point, according to the region map  
300 entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness  
301 in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February  
302 17, 2011; and

303 (iii) Devil's Canyon, Sid's Mountain, Mexican Mountain, San Rafael Reef, Hondu  
304 Country, Cedar Mountain, and Wild Horse, according to the region map entitled "San Rafael  
305 Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at  
306 <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011[;].

307 (20) "Wilderness" is as defined in 16 U.S.C. Sec. 1131.

308 [(H)] (21) "Wilderness area" means those BLM and Forest Service lands added to the  
309 National Wilderness Preservation System by an act of Congress.

310 (22) "Wilderness Preservation System" means the Wilderness Preservation System  
311 established in 16 U.S.C. Sec. 1131 et seq.

312 [~~(12)~~] (23) "WSA" and "Wilderness Study Area" mean the BLM lands in Utah that  
313 were identified as having the necessary wilderness character and were classified as wilderness  
314 study areas during the BLM wilderness review conducted between 1976 and 1993 by authority  
315 of [Section 603 of FLPMA] 43 U.S.C. Sec. 1782 and labeled as Wilderness Study Areas within  
316 the final report of the President of the United States to the United States Congress in 1993.

317 Section 2. Section **63J-8-105** is amended to read:

318 **63J-8-105. Maps available for public review.**

319 A printed copy of the maps referenced in Subsection 63J-8-102[~~(10)~~](19) shall be  
320 available for inspection by the public at the offices of the Utah Association of Counties.

321 Section 3. Section **63J-8-106** is repealed and reenacted to read:

322 **63J-8-106. County supported federal land use designation proposed in proposed**  
323 **congressional land use legislation -- Process for legislative review of proposed federal**  
324 **legislation land use within a county.**

325 (1) (a) Notwithstanding any other provision of this chapter, the Legislature may, in  
326 accordance with this section, recommend to the Utah congressional delegation proposed  
327 congressional land use legislation that is supported by a county.

328 (b) A county that fails to comply with the requirements of this section may not  
329 communicate or otherwise represent in any way that a federal land use designation contained in  
330 proposed congressional land use legislation has the support or approval of the Legislature.

331 (2) If a county supports a federal land use designation contained in proposed  
332 congressional land use legislation, the county shall:

333 (a) prepare a report on the proposed congressional land use legislation in accordance  
334 with Subsection (3);

335 (b) draft a concurrent resolution for a legislative committee's consideration, in  
336 accordance with Subsection (7)(a), in support of the proposed congressional land use  
337 legislation; and

338 (c) subject to Subsection (4)(a), deliver the report and draft concurrent resolution to the  
339 office.

340 (3) The report required in Subsection (2)(a) shall include:

341 (a) a copy of the proposed congressional land use legislation;

342 (b) a detailed description of the land or watercourse proposed for a federal land use  
343 designation, including:

344 (i) the total acres of federal land proposed for a federal land use designation;

345 (ii) (A) a map showing the location of the land or watercourse; and

346 (B) the proposed type of federal land use designation for each location;

347 (iii) a proposed land conveyance or land proposed for auction by the BLM, if any; and

348 (iv) (A) school and institutional trust land, as defined in Section 53C-1-103, proposed  
349 for a land exchange, if any; and

350 (B) whether the county has coordinated with SITLA on the proposed land exchange;

351 (c) an explanation of whether a federal land use designation will assist in resolving  
352 long-standing public lands issues, such as wilderness disputes, economic development,  
353 recreational use, and access to public lands;

354 (d) a narrative description of the economic, recreational, and cultural impacts, taken as  
355 a whole, on a county and the state that would occur if Congress adopted the proposed  
356 congressional land use legislation, including an impact on state revenues;

357 (e) an account of actions, if any, proposed in a federal land use designation to minimize  
358 impacts on:

359 (i) resource extraction activities occurring on the land or in the watercourse proposed  
360 for a federal land use designation, including mining and energy development; and

361 (ii) motorized recreational use and public access;

362 (f) a summary of potential benefits gained by the county and state if Congress adopts  
363 the proposed congressional land use legislation;

364 (g) a description of the stakeholders and their positions on a federal land use  
365 designation;

366 (h) whether land identified for a federal land use designation is BLM recommended  
367 wilderness;

368 (i) an explanation of what the proposed congressional land use legislation proposes for  
369 federal land located in the county other than land identified for the federal land use designation;

370 (j) (i) a description of the impact that, if adopted by Congress, the proposed  
371 congressional land use legislation would have on access to roads currently identified as part of  
372 an adopted county transportation plan as described in Section 63J-4-401; and

373 (ii) if a federal land use designation proposes to close a road described in Subsection  
374 (3)(j)(i), an explanation for the road closure and a copy of the minutes of any county public  
375 hearing in which the proposed road closures were discussed and public comment was taken;

376 (k) (i) a description of a proposed resolution for an R.S. 2477 right-of-way, if any,  
377 located within the area identified in a federal land use designation; and

378 (ii) whether a proposed resolution described in Subsection (3)(k)(i) would include a  
379 quiet title action concerning an R.S. 2477 right-of-way;

380 (l) an explanation of whether a federal land use designation proposes a hard release of  
381 all public lands and watercourses not included in the federal land use designation, placing the  
382 land and watercourses in multiple use management;

383 (m) an explanation of whether a federal land use designation proposes a prohibition on  
384 further federal action under the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq.;

385 (n) a narrative description of a federal land use designation's interaction with, if any, a  
386 regional haze rule adopted by the United States Environmental Protection Agency;

387 (o) an explanation of whether a federal land use designation would authorize best  
388 management practices as part of an active effort to control on the land or watercourse proposed  
389 for a federal land use designation;

390 (i) wildfire;

391 (ii) invasive species, including insects; and

392 (iii) disease;

393 (p) if applicable, a statement as to whether a federal land use designation would allow

394 for the continuation of existing grazing permits:

395 (q) a statement as to the presence or need of passive water management facilities or  
396 activities for livestock or wildlife, such as guzzlers or fencing, for the management of wildlife  
397 or livestock;

398 (r) if a federal land use designation identifies land that has oil, gas, or mineral deposits,  
399 an explanation as to why the federal land use designation includes the land;

400 (s) (i) a statement as to whether a federal land use designation:

401 (A) affects land or a watercourse located exclusively within the county; or

402 (B) affects, whether by an actual federal land use designation or by implication if a  
403 federal land use designation is adopted, land or a watercourse located in another county; and

404 (ii) if the land use proposal would affect land or a watercourse located in another  
405 county, whether that county supports the proposed congressional land use legislation;

406 (t) an explanation of whether a proposed land use designation designates land as  
407 wilderness in the National Wilderness Preservation System or designates land as a national  
408 conservation area that is not part of:

409 (i) BLM recommended wilderness; or

410 (ii) Forest Service land recommended for wilderness designation in RARE II; and

411 (u) a statement explaining whether and to what extent members of Utah's congressional  
412 delegation and their staff were consulted in preparing the proposed congressional land use  
413 legislation and the federal land use designation contained therein.

414 (4) (a) No later than 60 days before delivering a report and draft concurrent resolution  
415 in accordance with Subsection (2), a county shall contact and inform the office of the county's  
416 intention to prepare and deliver the report and draft concurrent resolution.

417 (b) The office may give general guidance to a county described in Subsection (4)(a), as  
418 requested, as to compliance with this section.

419 (5) The office shall prepare an evaluation of the county's report, including whether the  
420 county has addressed each matter described in Subsection (3).

421 (6) The office shall deliver the evaluation described in Subsection (5), including a copy

422 of the county's report, the proposed congressional land use legislation, and the draft concurrent  
423 resolution, no later than 30 days after receiving the county's report:

424 (a) if the Legislature is not in session, and subject to Subsection (6)(b), to the chair of  
425 the Natural Resources, Agriculture, and Environment Interim Committee; or

426 (b) if the Legislature is in session or there are no scheduled meetings of the Natural  
427 Resources, Agriculture, and Environment Interim Committee before the beginning of the next  
428 legislative session, to the chair of either the House Natural Resources, Agriculture, and  
429 Environment Committee or the Senate Natural Resources, Agriculture, and Environment  
430 Committee.

431 (7) (a) At a committee's next scheduled meeting after receiving a report, the draft  
432 concurrent resolution, and a copy of the proposed congressional land use legislation, the  
433 committee shall:

434 (i) review:

435 (A) the county's report;

436 (B) the draft concurrent resolution, if the concurrent resolution has a legislative  
437 sponsor; and

438 (C) the office's evaluation;

439 (ii) if the draft concurrent resolution is presented to the committee, consider whether to  
440 approve or reject the draft concurrent resolution;

441 (iii) if the draft concurrent resolution is rejected, provide direction to the county as to  
442 the reasons the resolution was rejected and the actions that the county might take to secure  
443 committee approval of the resolution; and

444 (iv) take any additional action the committee finds necessary.

445 (b) A legislative committee may not accept for review a county-supported federal land  
446 use designation contained in proposed congressional land use legislation that does not meet the  
447 requirements of this section.

448 (8) (a) If the committee rejects the draft concurrent resolution, a county may resubmit a  
449 revised report and draft concurrent resolution to the office in accordance with the terms of this

450 section.

451 (b) Upon receipt of a revised report and draft concurrent resolution, the office shall  
452 comply with the procedures set forth in this section.

453 (c) Upon receipt of a revised report, evaluation, and draft concurrent resolution by the  
454 office, a committee described in Subsection (6) shall comply with the procedures set forth in  
455 this section.

456 (9) The governor may call a special session to consider the concurrent resolution  
457 presented to and approved by a committee described in Subsection (7)(a).

458 (10) If a concurrent resolution described in this section is adopted by the Legislature  
459 and signed by the governor, the Office of the Governor shall forward a copy of the concurrent  
460 resolution, the county's report, and the proposed congressional land use legislation to Utah's  
461 congressional delegation.

462 Section 4. Section **63J-8-107** is enacted to read:

463 **63J-8-107. Authority of the governor.**

464 Nothing in this chapter may be construed to alter, affect, or diminish the authority of the  
465 governor.

466 Section 5. **Effective date.**

467 If approved by two-thirds of all the members elected to each house, this bill takes effect  
468 upon approval by the governor, or the day following the constitutional time limit of Utah  
469 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
470 the date of veto override.