

HB0176S01 compared with HB0176

~~{deleted text}~~ shows text that was in HB0176 but was deleted in HB0176S01.

inserted text shows text that was not in HB0176 but was inserted into HB0176S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Michael E. Noel proposes the following substitute bill:

COUNTY LAND USE PLANS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: _____

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 ~~{within the county}~~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;

HB0176S01 compared with HB0176

- ▶ 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:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

63J-8-107, Utah Code Annotated 1953

REPEALS AND REENACTS:

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

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

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

63J-8-102. Definitions.

As used in this chapter:

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

Sec. 1702.

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

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

HB0176S01 compared with HB0176

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

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

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

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

(b) designation of a national conservation area;

(c) designation of a watercourse within the National Wild and Scenic River System;

(d) designation of an ACEC;

(e) designation of a national monument in accordance with the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq. or by Congress;

(f) designation of a national park within the National Park System; or

(g) designation of a national recreational area.

~~[(5)]~~ (7) "Forest service" means the United States Forest Service within the United States Department of Agriculture.

~~[(6)]~~ (8) "Multiple use" means proper stewardship of the subject lands pursuant to Section 1031(C) of FLPMA, 43 U.S.C. Sec. ~~[170]~~ 1702(C).

(9) "National conservation area" means an area designated by Congress and managed by the BLM.

(10) "National wild and scenic river" means a watercourse:

(a) identified in a BLM or Forest Service planning process; or

(b) designated as part of the National Wild and Scenic River System.

(11) "National Wild and Scenic River System" means the National Wild and Scenic River System established in 16 U.S.C. Sec. 1271 et seq.

(12) "Office" means the Public Lands Policy Coordinating Office created in Section 63J-4-602.

~~[(7)]~~ (13) "OHV" means off-highway vehicle as defined in Section 41-22-2.

(14) "Proposed congressional land use legislation" means draft congressional legislation prepared by a person that includes a federal land use designation.

HB0176S01 compared with HB0176

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

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

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

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

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

(i) in Beaver County:

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

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

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

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

HB0176S01 compared with HB0176

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

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

(vi) in Emery County:

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

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

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

(vii) in Garfield County:

(A) Pole Canyon, according to the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(B) Dirty Devil, Fiddler Butte, Little Rockies, Cane Spring Desert, and Cane Spring Desert Adjacents, according to the region map entitled "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for

HB0176S01 compared with HB0176

Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

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

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

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

(ix) in Juab County: Deep Creek Mountains, Essex Canyon, Kern Mountains, Wild Horse Pass, Disappointment Hills, Granite Mountain, Middle Mountains, Tule Valley, Fish Springs Ridge, Thomas Range, Drum Mountains, Dugway Mountains, Keg Mountains West, Keg Mountains East, Lion Peak, and Rockwell Little Sahara, according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(x) in Kane County:

(A) Willis Creek North, Willis Creek, Kodachrome Badlands, Mud Springs Canyon, Carcass Canyon, Scorpion, Bryce Boot, Paria-Hackberry Canyons, Fiftymile Canyon,

HB0176S01 compared with HB0176

Hurricane Wash, Upper Kanab Creek, Timber Mountain, Nephi Point, Paradise Canyon, Wahweap Burning Hills, Fiftymile Bench, Forty Mile Gulch, Sooner Bench 1, 2, & 3, Rock Cove, Warm Bench, Andalex Not, Vermillion Cliffs, Ladder Canyon, The Cockscomb, Nipple Bench, Moquith Mountain, Bunting Point, Glass Eye Canyon, and Pine Hollow, according to the region map entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

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

(xi) in Millard County: Kern Mountains, Wild Horse Pass, Disappointment Hills, Granite Mountain, Middle Mountains, Tule Valley, Swasey Mountain, Little Drum Mountains North, Little Drum Mountains South, Drum Mountains, Snake Valley, Coyote Knoll, Howell Peak, Tule Valley South, Ledger Canyon, Chalk Knolls, Orr Ridge, Notch View, Bullgrass Knoll, Notch Peak, Barn Hills, Cricket Mountains, Burbank Pass, Middle Burbank Hills, King Top, Barn Hills, Red Tops, Middle Burbank Hills, Juniper, Painted Rock Mountain, Black Hills, Tunnel Springs, Red Canyon, Sand Ridge, Little Sage Valley, Cat Canyon, Headlight Mountain, Black Hills, Mountain Range Home North, Tweedy Wash, North Wah Wah Mountains, Jackson Wash, and San Francisco Mountains, according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

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

(xiii) in San Juan County:

(A) Horseshoe Point, Deadhorse Cliffs, Gooseneck, Demon's Playground, Hatch Canyon, Lockhart Basin, Indian Creek, Hart's Point, Butler Wash, Bridger Jack Mesa, and Shay Mountain, according to the region map entitled "Canyonlands Basin" linked in the webpage

HB0176S01 compared with HB0176

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

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

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

(D) Hammond Canyon, Allen Canyon, Mancos Jim Butte, Arch Canyon, Monument Canyon, Tin Cup Mesa, Cross Canyon, Nokai Dome, Grand Gulch, Fish and Owl Creek Canyons, Comb Ridge, Road Canyon, The Tabernacle, Lime Creek, San Juan River, and Valley of the Gods, according to the region map entitled "San Juan" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

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

(xv) in Tooele County:

(A) Silver Island Mountains, Crater Island East, Grassy Mountains North, Grassy Mountains South, Stansbury Island, Cedar Mountains North, Cedar Mountains Central, Cedar Mountains South, North Stansbury Mountains, Oquirrh Mountains, and Big Hollow, according to the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the

HB0176S01 compared with HB0176

webpage existed on February 17, 2011, excluding the areas that Congress designated as wilderness under the National Defense Authorization Act for Fiscal Year 2006; and

(B) Ochre Mountain, Deep Creek Mountains, Dugway Mountains, Indian Peaks, and Lion Peak, according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at

<http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xvi) in Uintah County:

(A) White River, Lower Bitter Creek, Sunday School Canyon, Dragon Canyon, Wolf Point, Winter Ridge, Seep Canyon, Bitter Creek, Hideout Canyon, Sweetwater Canyon, and Hell's Hole, according to the region map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at

<http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

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

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

(xviii) in Wayne County:

HB0176S01 compared with HB0176

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

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

(C) Fremont Gorge, Pleasant Creek Bench, Notom Bench, Mount Ellen, and Bull Mountain, according to the region map entitled "Henry Mountains" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

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

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

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

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

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

HB0176S01 compared with HB0176

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

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

~~[(11)]~~ (21) "Wilderness area" means those BLM and Forest Service lands added to the National Wilderness Preservation System by an act of Congress.

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

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

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

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

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

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

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

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

~~[(2)]~~ (b) ~~If a county supports~~ A county that fails to comply with the requirements of this section may not communicate or otherwise represent in any way that a federal land use designation contained in proposed congressional land use legislation ~~concerning~~ has the support or approval of the Legislature.

(2) If a county supports a federal land use ~~within the county, the county may recommend the~~ designation contained in proposed congressional land use legislation ~~to~~, the

HB0176S01 compared with HB0176

~~Legislature by~~ county shall:

(a) ~~preparing~~ prepare a report on the proposed congressional land use legislation in accordance with Subsection (3):

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

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

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

(a) a draft of the proposed congressional land use legislation;

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

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

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

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

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

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

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

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

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

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

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

(ii) motorized recreational use and public access;

(f) a summary of potential benefits gained by the county and state if Congress adopts

HB0176S01 compared with HB0176

the proposed congressional land use legislation:

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

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

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

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

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

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

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

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

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

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

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

(i) wildfire;

(ii) invasive species, including insects; and

(iii) disease;

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

HB0176S01 compared with HB0176

for the continuation of existing grazing permits:

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

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

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

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

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

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

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

(i) BLM recommended wilderness; or

(ii) Forest Service land recommended for wilderness designation in RARE II.

(4) (a) No later than 90 days before delivering a report and draft concurrent resolution in accordance with Subsection (2), a county shall contact and inform the office of the county's intention to prepare and deliver the report and draft concurrent resolution.

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

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

(6) The office shall deliver the evaluation described in Subsection (5), including a copy of the county's report, the proposed congressional land use legislation, and the draft concurrent resolution, no later than 30 days after receiving the county's report:

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

(b) if the Legislature is in session or there are no scheduled meetings of the Natural Resources, Agriculture, and Environment Interim Committee before the beginning of the next

HB0176S01 compared with HB0176

legislative session, to the chair of either the House Natural Resources, Agriculture, and Environment Committee or the Senate Natural Resources, Agriculture, and Environment Committee.

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

(~~fa~~i) review:

(~~fi~~A) the county's report;

(~~fi~~B) the draft concurrent resolution, if the concurrent resolution has a legislative sponsor; and

(~~fi~~C) the office's evaluation;

(~~fb~~ii) if the draft concurrent resolution is presented to the committee, consider whether to approve, reject, or recommend modifications to the draft concurrent resolution; and

(~~fc~~iii) take any additional action the committee finds necessary.

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

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

(9) If ~~the legislation~~ a concurrent resolution described in ~~Subsection (8)~~ this section is adopted by the Legislature and signed by the governor, the Office of the Governor shall forward a copy of the concurrent resolution, the county's report, and the proposed congressional land use legislation to Utah's congressional delegation.

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

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

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

Section 5. **Effective date.**

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

HB0176S01 compared with HB0176

the date of veto override.

†

Legislative Review Note

~~as of 2-8-12 12:19 PM~~

~~Office of Legislative Research and General Counsel}~~