

28 Utah Code Sections Affected:

29 AMENDS:

29a **Ĥ→ 63J-4-401, as last amended by Laws of Utah 2009, Chapter 121 ←Ĥ**

30 **63J-8-102**, as enacted by Laws of Utah 2011, Chapter 49

31 **63J-8-105**, as enacted by Laws of Utah 2011, Chapter 49

32 ENACTS:

33 **63J-8-105.5**, Utah Code Annotated 1953



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

35a **Ĥ→ Section 1. Section 63J-4-401 is amended to read:**

35b **63J-4-401. Planning duties of the planning coordinator and office.**

35c **(1) The state planning coordinator shall:**

35d **(a) act as the governor's adviser on state, regional, metropolitan, and local governmental**
35e **planning matters relating to public improvements and land use;**

35f **(b) counsel with the authorized representatives of the Department of Transportation, the State**
35g **Building Board, the Department of Health, the Department of Workforce Services, the Labor**
35h **Commission, the Department of Natural Resources, the School and Institutional Trust Lands**
35i **Administration, and other proper persons concerning all state planning matters;**

35j **(c) when designated to do so by the governor, receive funds made available to Utah by the**
35k **federal government;**

35l **(d) receive and review plans of the various state agencies and political subdivisions relating to**
35m **public improvements and programs;**

35n **(e) when conflicts occur between the plans and proposals of state agencies, prepare specific**
35o **recommendations for the resolution of the conflicts and submit the recommendations to the governor**
35p **for a decision resolving the conflict;**

35q **(f) when conflicts occur between the plans and proposals of a state agency and a political**
35r **subdivision or between two or more political subdivisions, advise these entities of the conflict and make**
35s **specific recommendations for the resolution of the conflict;**

35t **(g) act as the governor's planning agent in planning public improvements and land use and, in**
35u **this capacity, undertake special studies and investigations;**

35v **(h) provide information and cooperate with the Legislature or any of its committees in**
35w **conducting planning studies;**

35x **(i) cooperate and exchange information with federal agencies and local, metropolitan, or**
35y **regional agencies as necessary to assist with federal, state, regional, metropolitan, and local programs;**

35z **(j) make recommendations to the governor that the planning coordinator considers advisable**
35aa **for the proper development and coordination of plans for state government and political ←Ĥ**

35ab **H→ subdivisions; and**

35ac **(k) oversee and supervise the activities and duties of the public lands policy coordinator.**

35ad **(2) The state planning coordinator may:**

35ae **(a) perform regional and state planning and assist state government planning agencies in**
35af **performing state planning;**

35ag **(b) provide planning assistance to Indian tribes regarding planning for Indian reservations;**
35ah **and**

35ai **(c) assist city, county, metropolitan, and regional planning agencies in performing local,**
35aj **metropolitan, and regional planning, provided that the state planning coordinator and the state**
35ak **planning coordinator's agents and designees recognize and promote the plans, policies, programs,**
35al **processes, and desired outcomes of each planning agency whenever possible.**

35am **(3) When preparing or assisting in the preparation of plans, policies, programs, or processes**
35an **related to the management or use of federal lands or natural resources on federal lands in Utah, the**
35ao **state planning coordinator shall:**

35ap **(a) incorporate the plans, policies, programs, processes, and desired outcomes of the counties**
35aq **where the federal lands or natural resources are located, to the maximum extent consistent with state**
35ar **and federal law, provided that this requirement shall not be interpreted to infringe upon the authority**
35as **of the governor;**

35at **(b) identify inconsistencies or conflicts between the plans, policies, programs, processes, and**
35au **desired outcomes prepared under Subsection (3)(a) and the plans, programs, processes, and desired**
35av **outcomes of local government as early in the preparation process as possible, and seek resolution of the**
35aw **inconsistencies through meetings or other conflict resolution mechanisms involving the necessary and**
35ax **immediate parties to the inconsistency or conflict;**

35ay **(c) present to the governor the nature and scope of any inconsistency or other conflict that is**
35az **not resolved under the procedures in Subsection (3)(b) for the governor's decision about the position of**
35ba **the state concerning the inconsistency or conflict;**

35bb **(d) develop, research, and use factual information, legal analysis, and statements of desired**
35bc **future condition for the state, or subregion of the state, as necessary to support the plans, policies,**
35bd **programs, processes, and desired outcomes of the state and the counties where the federal lands or**
35be **natural resources are located;**

35bf **(e) establish and coordinate agreements between the state and federal land management**
35bg **agencies, federal natural resource management agencies, and federal natural resource regulatory**
35bh **agencies to facilitate state and local participation in the development, revision, and implementation of**
35bi **land use plans, guidelines, regulations, other instructional memoranda, or similar documents proposed**
35bj **or promulgated for lands and natural resources administered by federal agencies; and**

35bk **(f) work in conjunction with political subdivisions to establish agreements with federal land**
35bl **management agencies, federal natural resource management agencies, and federal natural ←H**

35bm **Ĥ→ resource regulatory agencies to provide a process for state and local participation in the**
 35bn1 **preparation**

35bn **of, or coordinated state and local response to, environmental impact analysis documents and similar**
 35bo **documents prepared pursuant to law by state or federal agencies.**

35bp (4) **The state planning coordinator shall comply with the requirements of Subsection**
 35bq **63C-4-102(8) before submitting any comments on a draft environmental impact statement or on an**
 35br **environmental assessment for a proposed land management plan, if the governor would be subject to**
 35bs **Subsection 63C-4-102(8) if the governor were submitting the material.**

35bt (5) **The state planning coordinator shall cooperate with and work in conjunction with**
 35bu **appropriate state agencies and political subdivisions to develop policies, plans, programs, processes,**
 35bv **and desired outcomes authorized by this section by coordinating the development of positions:**

35bw (a) **through the Resource Development Coordinating Committee;**

35bx (b) **in conjunction with local government officials concerning general local government plans;**

35by (c) **by soliciting public comment through the Resource Development Coordinating Committee;**

35bz **and**

35ca (d) **by working with the Public Lands Policy Coordinating Office.**

35cb (6) **The state planning coordinator shall recognize and promote the following principles when**
 35cc **preparing any policies, plans, programs, processes, or desired outcomes relating to federal lands and**
 35cd **natural resources on federal lands pursuant to this section:**

35ce (a) (i) **the citizens of the state are best served by applying multiple-use and sustained-yield**
 35cf **principles in public land use planning and management; and**

35cg (ii) **multiple-use and sustained-yield management means that federal agencies should develop**
 35ch **and implement management plans and make other resource-use decisions that:**

35ci (A) **achieve and maintain in perpetuity a high-level annual or regular periodic output of**
 35cj **mineral and various renewable resources from public lands;**

35ck (B) **support valid existing transportation, mineral, and grazing privileges at the highest**
 35cl **reasonably sustainable levels;**

35cm (C) **support the specific plans, programs, processes, and policies of state agencies and local**
 35cn **governments;**

35co (D) **are designed to produce and provide the desired vegetation for the watersheds, timber,**
 35cp **food, fiber, livestock forage, and wildlife forage, and minerals that are necessary to meet present needs**
 35cq **and future economic growth and community expansion without permanent impairment of the**
 35cr **productivity of the land;**

35cs (E) **meet the recreational needs and the personal and business-related transportation needs of**
 35ct **the citizens of the state by providing access throughout the state;**

35cu (F) **meet the recreational needs of the citizens of the state;**

35cv (G) **meet the needs of wildlife; ←Ĥ**

- 35cw **Ĥ→** (H) provide for the preservation of cultural resources, both historical and archaeological;
- 35cx (I) meet the needs of economic development;
- 35cy (J) meet the needs of community development; and
- 35cz (K) provide for the protection of water rights;
- 35da (b) managing public lands for "wilderness characteristics" circumvents the statutory
- 35db wilderness process and is inconsistent with the multiple-use and sustained-yield management standard
- 35dc that applies to all Bureau of Land Management and U.S. Forest Service lands that are not wilderness
- 35dd areas or wilderness study areas;
- 35de (c) all waters of the state are:
- 35df (i) owned exclusively by the state in trust for its citizens;
- 35dg (ii) are subject to appropriation for beneficial use; and
- 35dh (iii) are essential to the future prosperity of the state and the quality of life within the state;
- 35di (d) the state has the right to develop and use its entitlement to interstate rivers;
- 35dj (e) all water rights desired by the federal government must be obtained through the state
- 35dk water appropriation system;
- 35dl (f) land management and resource-use decisions which affect federal lands should give priority
- 35dm to and support the purposes of the compact between the state and the United States related to school
- 35dn and institutional trust lands;
- 35do (g) development of the solid, fluid, and gaseous mineral resources of the state is an important
- 35dp part of the economy of the state, and of local regions within the state;
- 35dq (h) the state should foster and support industries that take advantage of the state's outstanding
- 35dr opportunities for outdoor recreation;
- 35ds (i) wildlife constitutes an important resource and provides recreational and economic
- 35dt opportunities for the state's citizens;
- 35du (j) proper stewardship of the land and natural resources is necessary to ensure the health of
- 35dv the watersheds, timber, forage, and wildlife resources to provide for a continuous supply of resources
- 35dw for the people of the state and the people of the local communities who depend on these resources for a
- 35dx sustainable economy;
- 35dy (k) forests, rangelands, timber, and other vegetative resources:
- 35dz (i) provide forage for livestock;
- 35ea (ii) provide forage and habitat for wildlife;
- 35eb (iii) provide resources for the state's timber and logging industries;
- 35ec (iv) contribute to the state's economic stability and growth; and
- 35ed (v) are important for a wide variety of recreational pursuits;
- 35ee (l) management programs and initiatives that improve watersheds, forests, and increase forage
- 35ef for the mutual benefit of wildlife species and livestock, logging, and other agricultural industries by
- 35eg utilizing proven techniques and tools are vital to the state's economy and the quality of life in **←Ĥ**

35eh **Ĥ→ Utah; and**

35ei **(m) (i) land management plans, programs, and initiatives should provide that the amount of**
 35ej **domestic livestock forage, expressed in animal unit months, for permitted, active use as well as the**
 35ek **wildlife forage included in that amount, be no less than the maximum number of animal unit months**
 35el **sustainable by range conditions in grazing allotments and districts, based on an on-the-ground and**
 35em **scientific analysis;**

35en **(ii) the state opposes the relinquishment or retirement of grazing animal unit months in favor**
 35eo **of conservation, wildlife, and other uses;**

35ep **(iii) (A) the state favors the best management practices that are jointly sponsored by**
 35eq **cattlemen's, sportsmen's, and wildlife management groups such as chaining, logging, seeding, burning,**
 35er **and other direct soil and vegetation prescriptions that are demonstrated to restore forest and**
 35es **rangeland health, increase forage, and improve watersheds in grazing districts and allotments for the**
 35et **mutual benefit of domestic livestock and wildlife;**

35eu **(B) when practices described in Subsection (6)(m)(iii)(A) increase a grazing allotment's forage**
 35ev **beyond the total permitted forage use that was allocated to that allotment in the last federal land use**
 35ew **plan or allotment management plan still in existence as of January 1, 2005, a reasonable and fair**
 35ex **portion of the increase in forage beyond the previously allocated total permitted use should be**
 35ey **allocated to wildlife as recommended by a joint, evenly balanced committee of livestock and wildlife**
 35ez **representatives that is appointed and constituted by the governor for that purpose;**

35fa **(C) the state favors quickly and effectively adjusting wildlife population goals and population**
 35fb **census numbers in response to variations in the amount of available forage caused by drought or other**
 35fc **climatic adjustments, and state agencies responsible for managing wildlife population goals and**
 35fd **population census numbers will give due regard to both the needs of the livestock industry and the**
 35fe **need to prevent the decline of species to a point where listing under the terms of the Endangered**
 35ff **Species Act when making such adjustments;**

35fg **(iv) the state opposes the transfer of grazing animal unit months to wildlife for supposed**
 35fh **reasons of rangeland health;**

35fi **(v) reductions in domestic livestock animal unit months must be temporary and scientifically**
 35fj **based upon rangeland conditions;**

35fk **(vi) policies, plans, programs, initiatives, resource management plans, and forest plans may**
 35fl **not allow the placement of grazing animal unit months in a suspended use category unless there is a**
 35fm **rational and scientific determination that the condition of the rangeland allotment or district in**
 35fn **question will not sustain the animal unit months sought to be placed in suspended use;**

35fo **(vii) any grazing animal unit months that are placed in a suspended use category should be**
 35fp **returned to active use when range conditions improve;**

35fq **(viii) policies, plans, programs, and initiatives related to vegetation management should**
 35fr **recognize and uphold the preference for domestic grazing over alternate forage uses in established ←Ĥ**

35fs **Ĥ→ grazing districts while upholding management practices that optimize and expand forage for**
 35ft **grazing and wildlife in conjunction with state wildlife management plans and programs in order to**
 35fu **provide maximum available forage for all uses; and**

35fv **(ix) in established grazing districts, animal unit months that have been reduced due to**
 35fw **rangeland health concerns should be restored to livestock when rangeland conditions improve, and**
 35fx **should not be converted to wildlife use.**

35fy **(7) The state planning coordinator shall recognize and promote the following findings in the**
 35fz **preparation of any policies, plans, programs, processes, or desired outcomes relating to federal lands**
 35ga **and natural resources on federal lands under this section:**

35gb **(a) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports its recognition**
 35gc **by the federal government and the public use of R.S. 2477 rights-of-way and urges the federal**
 35gd **government to fully recognize the rights-of-way and their use by the public as expeditiously as**
 35ge **possible;**

35gf **(b) it is the policy of the state to use reasonable administrative and legal measures to protect**
 35gg **and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to support and**
 35gh **work in conjunction with counties to redress cases where R.S. 2477 rights-of-way are not recognized or**
 35gi **are impaired; and**

35gj **(c) transportation and access routes to and across federal lands, including all rights-of-way**
 35gk **vested under R.S. 2477, are vital to the state's economy and to the quality of life in the state, and must**
 35gl **provide, at a minimum, a network of roads throughout the resource planning area that provides for:**

35gm **(i) movement of people, goods, and services across public lands;**

35gn **(ii) reasonable access to a broad range of resources and opportunities throughout the resource**
 35go **planning area, including:**

35gp **(A) livestock operations and improvements;**

35gq **(B) solid, fluid, and gaseous mineral operations;**

35gr **(C) recreational opportunities and operations, including motorized and nonmotorized**
 35gs **recreation;**

35gt **(D) search and rescue needs;**

35gu **(E) public safety needs; and**

35gv **(F) access for transportation of wood products to market;**

35gw **(iii) access to federal lands for people with disabilities and the elderly; and**

35gx **(iv) access to state lands and school and institutional trust lands to accomplish the purposes of**
 35gy **those lands.**

35gz **(8) The state planning coordinator shall recognize and promote the following findings in the**
 35ha **preparation of any plans, policies, programs, processes, or desired outcomes relating to federal lands**
 35hb **and natural resources on federal lands pursuant to this section:**

35hc **(a) the state's support for the addition of a river segment to the National Wild and Scenic ←Ĥ**

35hd **Ĥ→ Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:**

35he **(i) it is clearly demonstrated that water is present and flowing at all times;**

35hf **(ii) it is clearly demonstrated that the required water-related value is considered outstandingly**
 35hg **remarkable within a region of comparison consisting of one of the three physiographic provinces in the**
 35hh **state, and that the rationale and justification for the conclusions are disclosed;**

35hi **(iii) it is clearly demonstrated that the inclusion of each river segment is consistent with the**
 35hj **plans and policies of the state and the county or counties where the river segment is located as**
 35hk **those plans and policies are developed according to Subsection (3);**

35hl **(iv) the effects of the addition upon the local and state economies, agricultural and industrial**
 35hm **operations and interests, outdoor recreation, water rights, water quality, water resource planning, and**
 35hn **access to and across river corridors in both upstream and downstream directions from the proposed**
 35ho **river segment have been evaluated in detail by the relevant federal agency;**

35hp **(v) it is clearly demonstrated that the provisions and terms of the process for review of**
 35hq **potential additions have been applied in a consistent manner by all federal agencies;**

35hr **(vi) the rationale and justification for the proposed addition, including a comparison with**
 35hs **protections offered by other management tools, is clearly analyzed within the multiple-use mandate,**
 35ht **and the results disclosed;**

35hu **(vii) it is clearly demonstrated that the federal agency with management authority over the**
 35hv **river segment, and which is proposing the segment for inclusion in the National Wild and Scenic River**
 35hw **System will not use the actual or proposed designation as a basis to impose management standards**
 35hx **outside of the federal land management plan;**

35hy **(viii) it is clearly demonstrated that the terms and conditions of the federal land and resource**
 35hz **management plan containing a recommendation for inclusion in the National Wild and Scenic River**
 35ia **System:**

35ib **(A) evaluates all eligible river segments in the resource planning area completely and fully for**
 35ic **suitability for inclusion in the National Wild and Scenic River System;**

35id **(B) does not suspend or terminate any studies for inclusion in the National Wild and Scenic**
 35ie **River System at the eligibility phase;**

35if **(C) fully disclaims any interest in water rights for the recommended segment as a result of the**
 35ig **adoption of the plan; and**

35ih **(D) fully disclaims the use of the recommendation for inclusion in the National Wild and**
 35ii **Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects**
 35ij **upstream, downstream, or within the recommended segment;**

35ik **(ix) it is clearly demonstrated that the agency with management authority over the river**
 35il **segment commits not to use an actual or proposed designation as a basis to impose Visual Resource**
 35im **Management Class I or II management prescriptions that do not comply with the provisions of**
 35in **Subsection (8)(t); and ←Ĥ**

35io **Ĥ→** (x) it is clearly demonstrated that including the river segment and the terms and conditions
 35ip for managing the river segment as part of the National Wild and Scenic River System will not prevent,
 35iq reduce, impair, or otherwise interfere with:

35ir (A) the state and its citizens' enjoyment of complete and exclusive water rights in and to the
 35is rivers of the state as determined by the laws of the state; or

35it (B) local, state, regional, or interstate water compacts to which the state or any county is a
 35iu party;

35iv (b) the conclusions of all studies related to potential additions to the National Wild and
 35iw Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the
 35ix Legislature and governor, and the results, in support of or in opposition to, are included in any
 35iy planning documents or other proposals for addition and are forwarded to the United States Congress;

35iz (c) the state's support for designation of an Area of Critical Environmental Concern (ACEC),
 35ja as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be withheld until:

35jb (i) it is clearly demonstrated that the proposed area satisfies all the definitional requirements
 35jc of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1702(a);

35jd (ii) it is clearly demonstrated that the area proposed for designation as an ACEC is limited in
 35je geographic size and that the proposed management prescriptions are limited in scope to the minimum
 35jf necessary to specifically protect and prevent irreparable damage to the relevant and important values
 35jg identified, or limited in geographic size and management prescriptions to the minimum required to
 35jh specifically protect human life or safety from natural hazards;

35ji (iii) it is clearly demonstrated that the proposed area is limited only to areas that are already
 35jj developed or used or to areas where no development is required;

35jk (iv) it is clearly demonstrated that the proposed area contains relevant and important historic,
 35jl cultural or scenic values, fish or wildlife resources, or natural processes which are unique or
 35jm substantially significant on a regional basis, or contain natural hazards which significantly threaten
 35jn human life or safety;

35jo (v) the federal agency has analyzed regional values, resources, processes, or hazards for
 35jp irreparable damage and its potential causes resulting from potential actions which are consistent with
 35jq the multiple-use, sustained-yield principles, and the analysis describes the rationale for any special
 35jr management attention required to protect, or prevent irreparable damage to the values, resources,
 35js processes, or hazards;

35jt (vi) it is clearly demonstrated that the proposed designation is consistent with the plans and
 35ju policies of the state and of the county where the proposed designation is located as those plans and
 35jv policies are developed according to Subsection (3);

35jw (vii) it is clearly demonstrated that the proposed ACEC designation will not be applied
 35jx redundantly over existing protections provided by other state and federal laws for federal lands or
 35jy resources on federal lands, and that the federal statutory requirement for special management ←Ĥ

35jz **Ĥ→ attention for a proposed ACEC will discuss and justify any management requirements needed**
35ka **in addition to those specified by the other state and federal laws;**

35kb **(viii) the difference between special management attention required for an ACEC and normal**
35kc **multiple-use management has been identified and justified, and that any determination of irreparable**
35kd **damage has been analyzed and justified for short and long-term horizons;**

35ke **(ix) it is clearly demonstrated that the proposed designation:**

35kf **(A) is not a substitute for a wilderness suitability recommendation;**

35kg **(B) is not a substitute for managing areas inventoried for wilderness characteristics after 1993**
35kh **under the BLM interim management plan for valid wilderness study areas; and**

35ki **(C) it is not an excuse or justification to apply de facto wilderness management standards; and**

35kj **(x) the conclusions of all studies are submitted to the state, as a cooperating agency, for review,**
35kk **and the results, in support of or in opposition to, are included in all planning documents;**

35kl **(d) sufficient federal lands are made available for government-to-government exchanges of**
35km **school and institutional trust lands and federal lands without regard for a resource-to-resource**
35kn **correspondence between the surface or mineral characteristics of the offered trust lands and the**
35ko **offered federal lands;**

35kp **(e) federal agencies should support government-to-government exchanges of land with the**
35kq **state based on a fair process of valuation which meets the fiduciary obligations of both the state and**
35kr **federal governments toward trust lands management, and which assures that revenue authorized by**
35ks **federal statute to the state from mineral or timber production, present or future, is not diminished in**
35kt **any manner during valuation, negotiation, or implementation processes;**

35ku **(f) agricultural and grazing lands should continue to produce the food and fiber needed by the**
35kv **citizens of the state and the nation, and the rural character and open landscape of rural Utah should be**
35kw **preserved through a healthy and active agricultural and grazing industry, consistent with private**
35kx **property rights and state fiduciary duties;**

35ky **(g) the resources of the forests and rangelands of the state should be integrated as part of**
35kz **viable, robust, and sustainable state and local economies, and available forage should be evaluated for**
35la **the full complement of herbivores the rangelands can support in a sustainable manner, and forests**
35lb **should contain a diversity of timber species, and disease or insect infestations in forests should be**
35lc **controlled using logging or other best management practices;**

35ld **(h) the state opposes any additional evaluation of national forest service lands as "roadless" or**
35le **"unroaded" beyond the forest service's second roadless area review evaluation and opposes efforts by**
35lf **agencies to specially manage those areas in a way that:**

35lg **(i) closes or declassifies existing roads unless multiple side by side roads exist running to the**
35lh **same destination and state and local governments consent to close or declassify the extra roads;**

35li **(ii) permanently bars travel on existing roads;**

35lj **(iii) excludes or diminishes traditional multiple-use activities, including grazing and ←Ĥ**

35lk **Ĥ→ proper forest harvesting;**

35ll (iv) **interferes with the enjoyment and use of valid, existing rights, including water rights, local**
35lm **transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral leasing rights; or**

35ln (v) **prohibits development of additional roads reasonably necessary to pursue traditional**
35lo **multiple-use activities;**

35lp (i) **the state's support for any forest plan revision or amendment will be withheld until the**
35lq **appropriate plan revision or plan amendment clearly demonstrates that:**

35lr (i) **established roads are not referred to as unclassified roads or a similar classification;**

35ls (ii) **lands in the vicinity of established roads are managed under the multiple-use,**
35lt **sustained-yield management standard; and**

35lu (iii) **no roadless or unroaded evaluations or inventories are recognized or upheld beyond those**
35lv **that were recognized or upheld in the forest service's second roadless area review evaluation;**

35lw (j) **the state's support for any recommendations made under the statutory requirement to**
35lx **examine the wilderness option during the revision of land and resource management plans by the U.S.**
35ly **Forest Service will be withheld until it is clearly demonstrated that:**

35lz (i) **the duly adopted transportation plans of the state and county or counties within the**
35ma **planning area are fully and completely incorporated into the baseline inventory of information from**
35mb **which plan provisions are derived;**

35mc (ii) **valid state or local roads and rights-of-way are recognized and not impaired in any way by**
35md **the recommendations;**

35me (iii) **the development of mineral resources by underground mining is not affected by the**
35mf **recommendations;**

35mg (iv) **the need for additional administrative or public roads necessary for the full use of the**
35mh **various multiple-uses, including recreation, mineral exploration and development, forest health**
35mi **activities, and grazing operations is not unduly affected by the recommendations;**

35mj (v) **analysis and full disclosure is made concerning the balance of multiple-use management in**
35mk **the proposed areas, and that the analysis compares the full benefit of multiple-use management to the**
35ml **recreational, forest health, and economic needs of the state and the counties to the benefits of the**
35mm **requirements of wilderness management; and**

35mn (vi) **the conclusions of all studies related to the requirement to examine the wilderness option**
35mo **are submitted to the state for review and action by the Legislature and governor, and the results, in**
35mp **support of or in opposition to, are included in any planning documents or other proposals that are**
35mq **forwarded to the United States Congress;**

35mr (k) **the invasion of noxious weeds and undesirable invasive plant species into the state should**
35ms **be reversed, their presence eliminated, and their return prevented;**

35mt (l) **management and resource-use decisions by federal land management and regulatory**
35mu **agencies concerning the vegetative resources within the state should reflect serious consideration ←Ĥ**

35mv **Ĥ→ of the proper optimization of the yield of water within the watersheds of the state;**
 35mw **(m) (i) it is the policy of the state that:**
 35mx **(A) mineral and energy production and environmental protection are not mutually exclusive;**
 35my **(B) it is technically feasible to permit appropriate access to mineral and energy resources**
 35mz **while preserving nonmineral and nonenergy resources;**
 35na **(C) resource management planning should seriously consider all available mineral and energy**
 35nb **resources;**
 35nc **(D) the development of the solid, fluid, and gaseous mineral resources of the state and the**
 35nd **renewable resources of the state should be encouraged;**
 35ne **(E) the waste of fluid and gaseous minerals within developed areas should be prohibited; and**
 35nf **(F) requirements to mitigate or reclaim mineral development projects should be based on**
 35ng **credible evidence of significant impacts to natural or cultural resources;**
 35nh **(ii) the state's support for mineral development provisions within federal land management**
 35ni **plans will be withheld until the appropriate land management plan environmental impact statement**
 35nj **clearly demonstrates:**
 35nk **(A) that the authorized planning agency has:**
 35nl **(I) considered and evaluated the mineral and energy potential in all areas of the planning area**
 35nm **as if the areas were open to mineral development under standard lease agreements; and**
 35nn **(II) evaluated any management plan prescription for its impact on the area's baseline mineral**
 35no **and energy potential;**
 35np **(B) that the development provisions do not unduly restrict access to public lands for energy**
 35nq **exploration and development;**
 35nr **(C) that the authorized planning agency has supported any closure of additional areas to**
 35ns **mineral leasing and development or any increase of acres subject to no surface occupancy restrictions**
 35nt **by adhering to:**
 35nu **(I) the relevant provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C.**
 35nv **Sec. 1701 et seq.;**
 35nw **(II) other controlling mineral development laws; and**
 35nx **(III) the controlling withdrawal and reporting procedures set forth in the Federal Land Policy**
 35ny **and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;**
 35nz **(D) that the authorized planning agency evaluated whether to repeal any moratorium that**
 35oa **may exist on the issuance of additional mining patents and oil and gas leases;**
 35ob **(E) that the authorized planning agency analyzed all proposed mineral lease stipulations and**
 35oc **considered adopting the least restrictive necessary to protect against damage to other significant**
 35od **resource values;**
 35oe **(F) that the authorized planning agency evaluated mineral lease restrictions to determine**
 35of **whether to waive, modify, or make exceptions to the restrictions on the basis that they are no ←Ĥ**

35og **H→ longer necessary or effective;**

35oh **(G) that the authorized federal agency analyzed all areas proposed for no surface occupancy**
 35oi **restrictions, and that the analysis evaluated:**

35oj **(I) whether directional drilling is economically feasible and ecologically necessary for each**
 35ok **proposed no surface occupancy area;**

35ol **(II) whether the directional drilling feasibility analysis, or analysis of other management**
 35om **prescriptions, demonstrates that the proposed no surface occupancy prescription, in effect, sterilizes**
 35on **the mineral and energy resources beneath the area; and**

35oo **(III) whether, if the minerals are effectively sterilized, the area must be reported as withdrawn**
 35op **under the provisions of the Federal Land Policy and Management Act; and**

35oq **(H) that the authorized planning agency has evaluated all directional drilling requirements in**
 35or **no surface occupancy areas to determine whether directional drilling is feasible from an economic,**
 35os **ecological, and engineering standpoint;**

35ot **(n) motorized, human, and animal-powered outdoor recreation should be integrated into a fair**
 35ou **and balanced allocation of resources within the historical and cultural framework of multiple-uses in**
 35ov **rural Utah, and outdoor recreation should be supported as part of a balanced plan of state and local**
 35ow **economic support and growth;**

35ox **(o) off-highway vehicles should be used responsibly, the management of off-highway vehicles**
 35oy **should be uniform across all jurisdictions, and laws related to the use of off-highway vehicles should be**
 35oz **uniformly applied across all jurisdictions;**

35pa **(p) (i) rights-of-way granted and vested under the provisions of R.S. 2477 should be preserved**
 35pb **and acknowledged;**

35pc **(ii) land use management plans, programs, and initiatives should be consistent with both state**
 35pd **and county transportation plans developed according to Subsection (3) in order to provide a network**
 35pe **of roads throughout the planning area that provides for:**

35pf **(A) movement of people, goods, and services across public lands;**

35pg **(B) reasonable access to a broad range of resources and opportunities throughout the planning**
 35ph **area, including access to livestock, water, and minerals;**

35pi **(C) economic and business needs;**

35pj **(D) public safety;**

35pk **(E) search and rescue;**

35pl **(F) access for people with disabilities and the elderly;**

35pm **(G) access to state lands; and**

35pn **(H) recreational opportunities;**

35po **(q) transportation and access provisions for all other existing routes, roads, and trails across**
 35pp **federal, state, and school trust lands within the state should be determined and identified, and**
 35pq **agreements should be executed and implemented, as necessary to fully authorize and determine ←H**

35pr **Ĥ→ responsibility for maintenance of all routes, roads, and trails;**

35ps **(r) the reasonable development of new routes and trails for motorized, human, and**
 35pt **animal-powered recreation should be implemented;**

35pu **(s) (i) forests, rangelands, and watersheds, in a healthy condition, are necessary and beneficial**
 35pv **for wildlife, livestock grazing, and other multiple-uses;**

35pw **(ii) management programs and initiatives that are implemented to increase forage for the**
 35px **mutual benefit of the agricultural industry, livestock operations, and wildlife species should utilize all**
 35py **proven techniques and tools;**

35pz **(iii) the continued viability of livestock operations and the livestock industry should be**
 35qa **supported on the federal lands within the state by management of the lands and forage resources, by**
 35qb **the proper optimization of animal unit months for livestock, in accordance with the multiple-use**
 35qc **provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq., the**
 35qd **provisions of the Taylor Grazing Act of 1934, 43 U.S.C. 315 et seq., and the provisions of the Public**
 35qe **Rangelands Improvement Act of 1978, 43 U.S.C. 1901 et seq.;**

35qf **(iv) provisions for predator control initiatives or programs under the direction of state and**
 35qg **local authorities should be implemented; and**

35qh **(v) resource-use and management decisions by federal land management and regulatory**
 35qi **agencies should support state-sponsored initiatives or programs designed to stabilize wildlife**
 35qj **populations that may be experiencing a scientifically demonstrated decline in those populations; and**

35qk **(t) management and resource use decisions by federal land management and regulatory**
 35ql **agencies concerning the scenic resources of the state must balance the protection of scenery with the**
 35qm **full management requirements of the other authorized uses of the land under multiple-use**
 35qn **management, and should carefully consider using Visual Resource Management Class I protection**
 35qo **only for areas of inventoried Class A scenery or equivalent.**

35qp **(9) Notwithstanding any provision of Section 63J-8-105.5, the state is committed to**
 35qq **establishing and administering an effective statewide conservation strategy for greater sage**
 35qr **grouse.**

35qs **~~[(9)]~~ (10) Nothing contained in this section may be construed to restrict or supersede the**
 35qt **planning powers conferred upon state departments, agencies, instrumentalities, or advisory councils of**
 35qu **the state or the planning powers conferred upon political subdivisions by any other existing law.**

35qv **~~[(10)]~~ (11) Nothing in this section may be construed to affect any lands withdrawn from the**
 35qw **public domain for military purposes, which are administered by the United States Army, Air Force, or**
 35qx **Navy. ←Ĥ**

36 Section **Ĥ→** [±] 2 **←Ĥ** . Section 63J-8-102 is amended to read:

37 **63J-8-102. Definitions.**

38 As used in this chapter:

245 Desert, and Factory Butte, according to the region map entitled "San Rafael Swell" linked at
 246 the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
 247 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
 248 2011.

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

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

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

258 (ii) Labyrinth Canyon, Duma Point, and Horseshoe Point, according to the region map
 259 entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness
 260 in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February
 261 17, 2011; and

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

266 (11) "Uintah Basin Energy Zone" means BLM, Forest Service, and SITLA lands
 267 situated in the following townships in Ŝ→ Daggett, ←Ŝ Duchesne Ŝ→, ←Ŝ and Uintah counties,
 267a as more fully illustrated
 268 in the map prepared by the Uintah County GIS Department in February 2012 entitled "Uintah
 269 Basin Utah Energy Zone":

269a Ŝ→ (a) in Daggett County, Township 3N Range 17 E, Township 3N Range 18E,
 269b Township 3N Range 19E, Township 3N Range 20E, Township 3N Range 22E, Township 3N
 269c Range 23E, Township 3N Range 24E, Township 3N Range 25E, Township 2N Range 17E,
 269d Township 2N Range 18E, Township 2N Range 19E, Township 2N Range 20E, Township 2N
 269e Range 21E, and Township 2S Range 25E; ←Ŝ

270 Ŝ→ [(a)] (b) ←Ŝ in Ŝ→ [Duchesne] Duchesne ←Ŝ County, Township 3N Range 4W,
 270a Township 3N Range 3W,
 271 Township 3N Range 2W, Township 3N Range 1W, Township 2N Range 6W, Township 2N

276 Range 15E, Township 8S Range 16E, Township 8S Range 17E, Township 5S Range 9W,
 277 Township 5S Range 3W, Township 9S Range 15E, Township 9S Range 16E, Township 9S
 278 Range 17E, Township 6S Range 9W, Township 6S Range 8W, Township 6S Range 7W,
 279 Township 6S Range 6W, Township 6S Range 5W, Township 6S Range 3W, Township 10S
 280 Range 15E, Township 10S Range 16E, Township 10S Range 17E, Township 7S Range 9W,
 281 Township 7S Range 8W, Township 7S Range 7W, Township 7S Range 6W, Township 7S
 282 Range 5W, Township 7S Range 4W, Township 10S Range 11E, Township 10S Range 12E,
 283 Township 10S Range 13E, Township 10S Range 14E, Township 10S Range 15E, Township
 284 10S Range 16E, Township 10S Range 17E, Township 11S Range 10E, Township 11S Range
 285 11E, Township 11S Range 12E, Township 11S Range 13E, Township 11S Range 14E,
 286 Township 11S Range 15E, Township 11S Range 16E, and Township 11S Range 17E; and
 287 §→ (b) (c) ←§ in Uintah County: Township 2S Range 18E, Township 2S Range 19E,
 287a Township
 288 2S Range 20E, Township 2S Range 21E, Township 2S Range 22E, Township 2S Range 23E,
 289 Township 2S Range 24E, Township 2N Range 1W, Township 2N Range 1E, Township 2N
 290 Range 2E, Township 3S Range 18E, Township 3S Range 19E, Township 3S Range 20E,
 291 Township 3S Range 21E, Township 3S Range 22E, Township 3S Range 23E, Township 3S
 292 Range 24E, Township 4S Range 19E, Township 4S Range 20E, Township 4S Range 21E,
 293 Township 4S Range 22E, Township 4S Range 23E, Township 4S Range 24E, Township 4S
 294 Range 25E, Township 5S Range 19E, Township 5S Range 20E, Township 5S Range 21E,
 295 Township 5S Range 22E, Township 5S Range 23E, Township 5S Range 24E, Township 5S
 296 Range 25E, Township 6S Range 19E, Township 6S Range 20E, Township 6S Range 21E,
 297 Township 6S Range 22E, Township 6S Range 23E, Township 6S Range 24E, Township 6S
 298 Range 25E, Township 7S Range 19E, Township 7S Range 20E, Township 7S Range 21E,
 299 Township 7S Range 22E, Township 7S Range 23E, Township 7S Range 24E, Township 7S
 300 Range 25E, Township 8S Range 17E, Township 8S Range 18E, Township 8S Range 19E,
 301 Township 8S Range 20E, Township 8S Range 21E, Township 8S Range 22E, Township 8S
 302 Range 23E, Township 8S Range 24E, Township 8S Range 25E, Township 9S Range 17E,
 303 Township 9S Range 18E, Township 9S Range 19E, Township 9S Range 20E, Township 9S
 304 Range 21E, Township 9S Range 22E, Township 9S Range 23E, Township 9S Range 24E,
 305 Township 9S Range 25E, Township 10S Range 17E, Township 10S Range 18E, Township 10S
 306 Range 19E, Township 10S Range 20E, Township 10S Range 21E, Township 10S Range 22E,

307 Township 10S Range 23E, Township 10S Range 24E, Township 10S Range 25E, Township
 308 11S Range 17E, Township 11S Range 18E, Township 11S Range 19E, Township 11S Range
 309 20E, Township 11S Range 21E, Township 11S Range 22E, Township 11S Range 23E,
 310 Township 11S Range 24E, Township 11S Range 25E, Township 12S Range 20E, Township
 311 12S Range 21E, Township 12S Range 22E, Township 12S Range 23E, Township 12S Range
 312 24E, Township 12S Range 25E, Township 13S Range 20E, Township 13S Range 21E,
 313 Township 13S Range 22E, Township 13S Range 23E, Township 13S Range 24E, Township
 314 13S Range 25E, Township 13S Range 26 E, Township 14S Range 21E, Township 14S Range
 315 22E, Township 14S Range 23E, Township 14S Range 24E, Township 14S Range 25E, and
 316 Township 14S Range 26 E.

317 [(H)] (12) "Wilderness area" means those BLM and Forest Service lands added to the
 318 National Wilderness Preservation System by an act of Congress.

319 [(H)] (13) "WSA" and "Wilderness Study Area" mean the BLM lands in Utah that
 320 were identified as having the necessary wilderness character and were classified as wilderness
 321 study areas during the BLM wilderness review conducted between 1976 and 1993 by authority
 322 of Section 603 of FLPMA and labeled as Wilderness Study Areas within the final report of the
 323 President of the United States to the United States Congress in 1993.

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

325 **63J-8-105. Maps available for public review.**

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

329 Section 3. Section **63J-8-105.5** is enacted to read:

330 **63J-8-105.5. Uintah Basin Energy Zone established -- Findings -- Management**
 331 **and land use priorities.**

332 (1) There is established the Uintah Basin Energy Zone in ~~the~~ Daggett, Uintah, and
 332a and ~~Duchesne~~ Duchesne Counties
 333 for the purpose of maximizing efficient and responsible development of energy and
 334 mineral resources.

335 (2) The land area and boundaries of the Uintah Basin Energy Zone are described in
 336 Subsection 63J-8-102(11) and illustrated on the map described in Section 63J-8-105.

337 (3) The state finds that:

338 (a) the lands comprising the Uintah Basin Energy Zone contain abundant, world-class
339 deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands,
340 gilsonite, coal, phosphate, gold, uranium, and copper, as well as areas with high wind and solar
341 energy potential; and

342 (b) the highest management priority for all lands within the Uintah Basin Energy Zone
343 is responsible management and development of existing energy and mineral resources in order
344 to provide long-term domestic energy and supplies for Utah and the United States.

345 (4) The state supports:

346 (a) efficient and responsible full development of all existing energy and mineral
347 resources located within the Uintah Basin Energy Zone, including oil, oil shale, natural gas, oil
348 sands, gilsonite, phosphate, gold, uranium, copper, solar, and wind resources; and

349 (b) a cooperative management approach among federal agencies, state, and local
350 governments to achieve broadly supported management plans for the full development of all
351 energy and mineral resources within the Uintah Basin Energy Zone.

352 (5) The state calls upon the federal agencies who administer lands within the Uintah
353 Basin Energy Zone to:

354 (a) fully cooperate and coordinate with the state and with ~~§~~ → **Daggett**, ← ~~§~~ Uintah and
354a Duchesne

355 Counties to develop, amend, and implement land and resource management plans and to
356 implement management decisions that are consistent with the purposes, goals, and policies
357 described in this section to the maximum extent allowed under federal law;

358 (b) expedite the processing, granting, and streamlining of mineral and energy leases
359 and applications to drill, extract, and otherwise develop all existing energy and mineral
360 resources located within the Uintah Basin Energy Zone, including oil, natural gas, oil shale, oil
361 sands, gilsonite, phosphate, gold, uranium, copper, solar, and wind resources;

362 (c) allow continued maintenance and increased development of roads, power lines,
363 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies
364 described in this section;

365 (d) refrain from any planning decisions and management actions that will undermine,
366 restrict, or diminish the goals, purposes, and policies for the Uintah Basin Energy Zone as
367 stated in this section; and

368 (e) refrain from implementing a policy that is contrary to the goals and purposes

369 described within this section.

370 (6) The state calls upon Congress to establish an intergovernmental standing
371 commission among federal, state, and local governments to guide and control planning
372 decisions and management actions in the Uintah Basin Energy Zone in order to achieve and
373 maintain the goals, purposes, and policies described in this section.

373a **§→ (7) Notwithstanding the provisions of this section, the state's grazing and livestock**
373b **policies and plans on land within the Uintah Basin Energy Zone shall continue to be governed**
373c **by Sections §→ [~~63J-1-104,~~ ←§ 63J-4-401 §→ [;] ←§ and 63J-8-104. ←§**

374 Section 4. **Effective date.**

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

Legislative Review Note
as of 2-10-12 9:29 AM

Office of Legislative Research and General Counsel