

1 **STATE OF UTAH TRANSPORTATION PLAN FOR THE**
2 **DIXIE NATIONAL FOREST**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Michael E. Noel**

6 Senate Sponsor: Evan J. Vickers

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the State of Utah Resource Management Plan for Federal Lands code
11 by enacting provisions relating to a state transportation plan for Dixie National Forest.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ establishes and designates a State of Utah Transportation Plan for the Dixie
15 National Forest;
- 16 ▶ describes the purposes and map locations of the State of Utah Transportation Plan
17 for the Dixie National Forest;
- 18 ▶ recognizes that the State of Utah Transportation Plan for the Dixie National Forest
19 conflicts with the United States Forest Service's recent motorized travel plan for the
20 Dixie National Forest;
- 21 ▶ requests that federal agencies:
 - 22 • fully cooperate and coordinate with the state of Utah and the respective counties
23 in which these ranger districts lie, to develop, amend, and implement United
24 States Forest Service land and resource management plans and transportation
25 plans;
 - 26 • enter into agreements regarding the maintenance, upkeep, and improvement of
27 roads in these ranger districts;



- 28 • refrain from any planning decisions and management actions that will
- 29 undermine, restrict, or diminish the goals, purposes, and policies as stated in this
- 30 section; and
- 31 • refrain from implementing a policy that is contrary to the goals and purposes
- 32 described within this bill;
- 33 ▶ encourages applicable federal, state, and local agencies to coordinate with each
- 34 other and establish applicable intergovernmental standing commissions to
- 35 coordinate and achieve consistency in planning decisions and management actions
- 36 consistent with the goals and policies of this section for the Cedar City, Powell,
- 37 Escalante, and Fremont ranger districts of the Dixie National Forest.

38 **Money Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 ENACTS:

44 **63J-8-105.9**, Utah Code Annotated 1953

45

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

47 Section 1. Section **63J-8-105.9** is enacted to read:

48 **63J-8-105.9. State of Utah Transportation Plan for the Cedar City, Powell,**
49 **Escalante, and Fremont ranger districts of the Dixie National Forest.**

50 (1) (a) The state of Utah designates this state of Utah transportation plan for the Cedar
51 City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest.

52 (b) The plan was established pursuant to:

53 (i) the requirement in the United States Forest Service's Multiple-Use Sustained-Yield
54 Act of 1960, 16 U.S.C. Sec. 528, that lands within the national forests be managed according to
55 the principles of multiple use; and

56 (ii) the right which FLPMA, the National Environmental Policy Act, 42 U.S.C. Sec.
57 4321 et seq., and the Federal Advisory Committee Act, 5 U.S.C. Appendix 2, give to state and
58 local governments to participate in all BLM and United States Forest Service efforts to plan for

59 the responsible use of BLM and United States Forest Service lands and the requirement that
60 BLM and the United States Forest Service coordinate planning efforts with those of state and
61 local governments.

62 (c) This section is a statement of the state of Utah's policy and plan for a desired
63 transportation system for the Cedar City, Powell, Escalante, and Fremont ranger districts of the
64 Dixie National Forest.

65 (d) This section does not mandate compliance with this policy by the United States
66 Forest Service nor does it override or usurp the United States Forest Service's authority within
67 this area.

68 (e) This section is a statement of state policy for use by the United States Forest
69 Service and other interested stakeholders as required by federal law in making planning
70 decisions and project management decisions within the Cedar City, Powell, Escalante, and
71 Fremont ranger districts of the Dixie National Forest.

72 (2) There is established and designated a state of Utah transportation plan for the Cedar
73 City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest in Garfield,
74 Iron, Kane, and Wayne counties, Utah for the purpose of:

75 (a) preserving and protecting against threats to the longstanding transportation
76 networks that have served the public for decades within these ranger districts;

77 (b) preserving and protecting against threats to the longstanding traditional recreation
78 resource values that have served the public for decades within these ranger districts;

79 (c) preserving and protecting against threats to the longstanding public road access that
80 is vital to the agricultural livestock and forest products industries within these ranger districts;

81 (d) preserving and protecting against threats to the significant history, culture, customs,
82 and economic values in these ranger districts, and in the various communities situated near
83 these ranger districts;

84 (e) preserving and protecting against threats to the civil rights of the disabled, the
85 elderly, and the economically disadvantaged to have access to the great outdoor resource and
86 values existing in these ranger districts;

87 (f) preserving and protecting against threats to road networks vital to restoring,
88 reclaiming, preserving, protecting, enhancing, and developing the state's water resources on the
89 watersheds existing within these ranger districts;

90 (g) protecting, preserving, and enhancing affected natural, historical, and cultural
 91 activities within these ranger districts from ongoing threats; and

92 (h) preserving and protecting the longstanding network of publicly accessible roads
 93 within these ranger districts, in order to protect:

94 (i) the health, safety, and welfare of citizens who live near these ranger districts, and
 95 persons who visit and recreate therein, from the threat of catastrophic fire and its resulting
 96 problems of watershed and habitat destruction, erosion, silt load, and flooding, which can only
 97 be managed, prevented, combatted, and mitigated through a proper transportation network
 98 throughout these ranger districts; ~~and~~

99 (ii) hunter access ~~to~~ ~~for wildlife target harvest hunts~~ ~~to~~ ~~control~~ manage ~~and~~
 99a wildlife populations ~~and~~ ; ~~and~~ and

100 ~~and~~ ~~enhance~~ (iii) ~~and~~ forage conditions for livestock grazing ~~and~~ and wildlife habitat ~~and~~ .

101 (3) The state of Utah transportation plan for the Cedar City, Powell, Escalante, and
 102 Fremont ranger districts of the Dixie National Forest consists of all roads shown in the map
 103 jointly prepared by the Garfield, Iron, Kane, and Wayne County GIS departments in February
 104 2014, entitled "State of Utah Transportation Plan for Dixie National Forest," printed copies of
 105 which will be maintained by the Utah Association of Counties and made available to the public
 106 upon request.

107 (4) (a) (i) The map described in Subsection (3) also documents the move by Dixie
 108 National Forest to close and otherwise deny the public's longstanding access to many of the
 109 roads shown on the map in the Cedar City, Powell, Escalante, and Fremont ranger districts, by
 110 reason of the United States Forest Service's implementing a recent motorized travel plan for the
 111 Dixie National Forest.

112 (ii) These closures and other denials of public road access through the motorized travel
 113 plan of the Dixie National Forest constitute an ongoing direct threat to the resources and values
 114 referenced in Subsection (2).

115 (b) The state of Utah's transportation plan for these ranger districts conflicts with the
 116 United States Forest Service's recent motorized travel plan for the Dixie National Forest.

117 (c) The state of Utah's transportation plan for these ranger districts recognizes that all
 118 roads shown on the map referenced in Subsection (3) should be kept open to the public.

119 (5) The state finds that keeping open to the public all roads shown on the map
 120 referenced in Subsection (3) is necessary and vital to preserve and protect the values cited in

121 Subsection (2).

122 (6) The state requests that the federal agencies that administer lands within the Cedar
 123 City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest:

124 (a) fully cooperate and coordinate with the state of Utah and the respective counties in
 125 which these ranger districts lie, to develop, amend, and implement United States Forest Service
 126 land and resource management plans and transportation plans, and implement management
 127 decisions pursuant to those plans, that are consistent with the purposes, goals, and policies
 128 described in this section to the maximum extent allowed under federal law;

129 (b) enter into agreements regarding the maintenance, upkeep, and improvement of
 130 roads in these ranger districts;

131 (c) refrain from any planning decisions and management actions that will undermine,
 132 restrict, or diminish the goals, purposes, and policies as stated in this section; and

133 (d) refrain from implementing a policy that is contrary to the goals and purposes
 134 described within this section.

135 ~~Ĥ→ [(7) State agencies, such as the Department of Transportation, the Department of~~
 136 ~~Natural Resources, the Division of Wildlife Resources, the Division of Forestry, Fire, and State~~
 137 ~~Lands, and the Department of Agriculture and Food, should also coordinate with each other,~~
 138 ~~with counties where these zones are situated, and with applicable federal agencies to develop,~~
 139 ~~amend, and implement policies and management decisions that are consistent with the~~
 140 ~~purposes, goals, and policies described in this section.~~

141 ~~——(8)] (7) ←Ĥ~~ (a) The state recognizes the importance of longstanding road networks in all
 142 national forests in the state but establishes this transportation plan to provide special protection
 143 and preservation against the identified threats found to exist in the Cedar City, Powell,
 144 Escalante, and Fremont ranger districts of the Dixie National Forest.

145 (b) It is the intent of the state to designate additional forest transportation plans in
 146 future years as circumstances warrant their special protection and preservation.

147 ~~Ĥ→ [(9)] (8) ←Ĥ~~ The state calls upon applicable federal, state, and local agencies to
 147a coordinate with
 148 each other and establish applicable intergovernmental standing commissions, with membership
 149 consisting of representatives from the United States government, the state of Utah, and local
 150 governments, to coordinate and achieve consistency in planning decisions and management
 151 actions consistent with the goals and policies of this section for the Cedar City, Powell,

152 Escalante, and Fremont ranger districts of the Dixie National Forest.

Legislative Review Note
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Office of Legislative Research and General Counsel