

SCR004 compared with SCR004S01

recognizes that the final {~~MOA~~} agreement must explicitly state that the Secretary of the Interior or the authorized officer of the BLM retains the ultimate, non-delegable authority and final decision-making authority over the issuance of federal leases and permits.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24

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

26

WHEREAS, because delays in permitting on Bureau of Land Management land are impacting resource development in the state, a {~~combined permitting memorandum of~~} resource-sharing focused cooperative

agreement {~~(MOA)~~} with dual opt out (BLM agreement) would allow a streamlined application and {~~approval process for operators~~}

approval process for operators and significantly reduce permitting time frames without {~~compromising compliance with~~}

compromising compliance with existing law;

WHEREAS, a combined permitting process between the state and the United States Department of the Interior, Bureau of Land Management (BLM) would include permits for oil, gas, and mining activities in the state;

WHEREAS, the Division of Oil, Gas, and Mining within the state's Department of Natural Resources intends to formalize a cooperative and consultative agreement with the BLM regarding oil, gas, and mining permits;

WHEREAS, this agreement is outlined in a Letter of Intent seeking to establish the foundation for a subsequent {~~MOA~~} BLM agreement allowing the state to review and approve or {~~acknowledge~~}

acknowledge federal oil, gas, and mining permits on BLM land;

WHEREAS, the {~~MOA~~} BLM agreement seeks to expand the state's role to include aspects of the {~~permit~~}

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permit approval review process for oil, gas, and mining operations, where both a Division of {~~Oil, Gas,~~}

Oil, Gas, and Mining and a BLM permit is required, because coordinated review aids in future inspection and enforcement efficiency;

WHEREAS, the state is seeking an expedited review, analysis, and recommendation role, that could include the state taking the lead on the technical review of an Application for Permit to Drill;

WHEREAS, the statutory basis for cooperation includes leveraging the model for delegation of inspection and enforcement authority found in the Federal Oil and Gas Royalty Management Act of 1982;

WHEREAS, the BLM has broad authority to cooperate with states under fundamental land management laws, such as the Federal Land Policy and Management Act of 1976, which mandates that BLM Resource Management Plans be consistent with state and local plans to the maximum extent possible;

WHEREAS, Utah's regulatory agencies, specifically the Division of Oil, Gas, and Mining, possess specialized local expertise in the state's geology, resource issues, and surface reclamation requirements;

WHEREAS, the enhanced cooperation is anticipated to benefit the BLM by improving efficiency, reducing redundancy, and strengthening the local knowledge base for permit decisions;

WHEREAS, the state's review and sign-off on technical aspects of permit applications will save significant BLM staff time on technical review; and

WHEREAS, it is understood that the BLM retains the final decision-making authority for all permitting actions, and the {~~MOA~~} BLM agreement cannot transfer final permit authority to the {~~state~~};

state:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein:

(1) supports the state's commitment to drafting a comprehensive {~~MOA~~} BLM agreement based on {~~these~~}

these principles and affirms the intent to formalize an enhanced cooperative and consultative

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relationship with the BLM;

(2) affirms that the authority for the Department of the Interior, BLM to enter into ~~{such an}~~ a
BLM

~~{MOA}~~ agreement stems from the existing authority for delegation of inspection and enforcement ~~{duties}~~

duties and general cooperation and coordinating agreements;

(3) urges the Division of Oil, Gas, and Mining to immediately initiate negotiations with the United States Department of the Interior and BLM to formalize this cooperative and consultative agreement;

(4) recognizes that using the specialized local expertise of the state's regulatory agencies, specifically the Division of Oil, Gas, and Mining, will improve efficiency and the defensibility of permit decisions; and

(5) recognizes that the final ~~{MOA}~~ BLM agreement must explicitly state that the Secretary of the ~~{Interior or}~~

Interior or the authorized officer of the BLM retains the ultimate, non-delegable authority and ~~{final}~~

final decision-making authority over the issuance of federal leases and permits.

BE IT FURTHER RESOLVED that the Legislature directs that copies of this resolution be sent to the Secretary of the Interior, the director of the BLM, the Majority and Minority Leader of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives, and the members of Utah's congressional delegation.

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