

## Public Lands Policy Coordinating Office (PLPCO) Legislative Mandates: (DRAFT)

Mandate	Authority	PLPCO Mandated Activities	Quantified	Status	Short Term Goals	Desired Outcome
Public Lands Policy and Federal Land Management	Utah Code Annotated 63J-4-603(1)(d); 63J-4-603(1)(e)(iv); FY 2013-2014 Appropriations Report pg. 189	<p><b>I. Review, Analyze, and Promote Utah's Interest Through Advocacy and Participation</b>            PLPCO acts as the contact point for the review of federal policies, plans and programs which may affect the public lands, or the use of public lands, in Utah. PLPCO works to assure the state speaks with one voice in responding to federal actions and proposals.</p> <p><b>A. Federal Rules and Regulations</b>            PLPCO coordinates the response to major federal agency rules, directives, and other procedural proposals which could have a dramatic effect on the state's economy or the quality of life of its citizens. Currently, these proposals include:</p> <ol style="list-style-type: none"> <li>1. BLM Hydraulic Fracturing Rule.</li> <li>2. BLM Onshore Oil and Gas Operations.</li> <li>3. EPA Interpretive Rule Regarding Clean Water Act Section 404(f)(1)(A) Exemption for Certain Agricultural Practices.</li> <li>4. EPA and Army Corps of Engineers Proposed Change to Definition of "Waters of the United States."</li> </ol> <p><b>B. Planning by Federal Land Management Agencies:</b>            The current federal land planning efforts include:</p> <ol style="list-style-type: none"> <li>1. Cedar City Resource Management Plan (BLM).</li> <li>2. Grand Staircase-Escalante National Monument Grazing EIS (BLM).</li> <li>3. BLM and FS Three Creeks Grazing Allotment.</li> <li>4. Moab Master Lease Plan EIS (BLM).</li> <li>5. U.S. Forest Service High Uintas Wilderness - Domestic Sheep Analysis (Forest Service).</li> <li>6. Glen Canyon NRA Off-road Vehicle Management Plan EIS (National Park Service).</li> <li>7. Capital Reef National Park Grazing EIS (National Park Service).</li> <li>8. Gunnison Sage-Grouse Plan Amendments EIS (BLM).</li> <li>9. Beaver Dam Wash &amp; Red Cliffs National Conservation Area and Travel Management Plan.</li> </ol> <p><b>C. Other Resource Development Use Proposals:</b></p> <ol style="list-style-type: none"> <li>1. Energy Gateway South High-voltage Transmission Project EIS (BLM).</li> <li>2. Greens Hollow Coal Lease Tract Supplemental EIS (Forest Service).</li> <li>3. Alton Coal Field Lease by Application EIS (BLM).</li> <li>4. Greater Monument Butte Natural Gas EIS (BLM).</li> <li>5. TransWest Express High-Voltage Transmission Line (BLM).</li> <li>6. Crescent Point Energy Project (BLM)</li> <li>7. Proposed BLM oil and gas leases (quarterly).</li> <li>8. Enefit American Oil Utility Corridor (BLM)</li> <li>9. Bible Spring Complex Wild Horse Gather and Removal and Fertility Treatment Plan Environmental Assessment.</li> </ol> <p><b>D. Cooperating Agency Status Participation</b>            Cooperating Agency Status Participation is conferred as part of NEPA participation. The state is actively seeking or has been granted cooperating agency status for all of the above listed projects under B. or C. that involve NEPA.</p> <p><b>E. Resource Development Coordinating Committee (RDCC)</b>            The RDCC is one of the statutorily-based tools PLPCO uses to coordinate the views of relevant state agencies toward federal agency proposed rules, regulations, plans and programs. RDCC employs a web-based program to keep track of the proposals and the state responses. The web-based system keeps track of hundreds of proposed actions, in addition to the major ones discussed above.</p>	PLPCO acts as the contact point for reviews of all federal proposals, including the use of active cooperating agency status for environmental documentation under the National Environmental Policy Act (NEPA). Reviews involve close coordination and communication with multiple state agencies to ensure understanding of the State's concerns, and transmittal to the federal agencies, during the development of the NEPA work. NEPA work is required as part of federal agency land planning processes, as well as for all resource use or conservation proposals. Federal rulemaking does not involve NEPA. PLPCO coordinates the review of these proposals using other statutory tools.	Ongoing	Provide timely, accurate, and well coordinated responses to all federal actions and proposals.	Ensure Utah citizens do not lose their right to access of public lands
					Build excellent interagency relations in order to assist the State to speak with one voice.	Federal proposals reviewed, coordinated and finalized in a timely manner; staffing provided to the RDCC as needed.

## Public Lands Policy Coordinating Office (PLPCO) Legislative Mandates: (DRAFT)

Mandate	Authority	PLPCO Mandated Activities	Quantified	Status	Short Term Goals	Desired Outcome
Public Lands Policy and Federal Land Management	Utah Code Annotated 63J-4-603(1)(d); FY 2013-2014 Appropriations Report pg. 189	<p><b>II. Endangered Species Act (ESA) Activities</b></p> <p><b>A. Efforts to Conserve a Species, and Prevent the Need for a Listing:</b>            Certain species require a concentration of effort by the state in order to institute conservation measures to protect the species, and to prevent the need for a listing under the provisions of the federal Endangered Species Act. These efforts require close coordination with the state's wildlife agency, and other state and local agencies which may be affected by a listing.</p> <p>PLPCO has lead the effort to enhance protections for the greater sage-grouse through the creation of an updated conservation plan, and has coordinated with other state, local and federal agencies, and those in other states, to provide protections for the Graham's Beardtongue, and the Gunnison Sage-grouse.</p> <p>PLPCO is currently working with the BLM and the Forest Service to utilize state data and USU conducted research on greater sage-grouse. In addition, we are working with these agencies to adopt and implement the state's Greater Sage-Grouse Conservation Plan. PLPCO is also seeking the endorsement of the Plan by the U.S. Fish and Wildlife Service, as may be required. The office coordinates the presentation of scientific research to federal agencies and reviews sage-grouse conservation efforts in other affected states.</p> <p><b>B. Response to Proposals to List</b>            PLPCO coordinates with relevant state agencies, and then responds to major federal agency proposals to list species under the ESA, and related items. These proposed listings include:</p> <ol style="list-style-type: none"> <li>Proposed listing of Arizona Toad.</li> <li>Proposed listing of the Mexican Wolf.</li> <li>Proposed listing of Virgin Spinedace.</li> <li>Proposed listing of the Great Basin silverspot butterfly.</li> <li>Determining the status of numerous other rare plant species.</li> <li>Proposed changes to the Endangered Species Critical Habitat Definitions, Policy, Criteria, and Implementation.</li> </ol>	PLPCO participates in all efforts to avoid a listing, in coordinating with other state and federal agencies. PLPCO provides comments on other ESA proposals.	Ongoing	Develop a proactive data management database of rare plants for ESA listing and delisting proposals.  Research and respond to proposed listings of the Gooseberry, Cisco, and Isely Milkvetch species.	Keep plant or animal species management within the control of the State. Avoid or eliminate the need for a listing.  Provide state solutions to federal proposals that could seriously affect the economic viability of Utah. Participate from inception in proposal by federal agencies to alter land management provisions that may affect the use of the lands by Utahns.
		<p><b>C. Graham's and White River Beardtongue:</b>            PLPCO participates in the conservation agreement for the Graham's and White River Beardtongue. The parties developed the agreement over eight months of challenging negotiations among several stakeholders including SITLA, oil shale developers, Uintah County, BLM, PLPCO, and U.S. Fish and Wildlife Service. The agreement was signed on July 22, 2014. The USFWS withdrew the proposed listing of these two species on August 6, 2014. Environmental groups have filed a lawsuit against the Fish and Wildlife Service. The State, SITLA and Uintah County have intervened.</p>		Ongoing participation		
Archaeological Assistance and Permitting	Utah Code Annotated 63J-4-603(1)(f) and (g); 9-8-Part 3; 9-8-Part 4; FY 2013-2014 Appropriations Report, pg. 189	<p><b>III. Archaeological Assistance and Permitting</b></p> <p>Assist state agencies in developing the processes to provide for responsible use and stewardship of archaeological resources. Oversee the issuance and management of archaeological survey and excavation permits.</p>	Currently permitting 215 principal investigators. Participating in Transmission line projects, Skull Valley Land Exchange, Lake Powell Pipeline, La Sal Mines Complex.	Ongoing	Continue to process all survey and excavation permits faster than the one-month review period allowed by statute, and offer advice and assistance as needed to state agencies.	Promote a responsible use and preservation of Utah's archaeological resources through permitting and consultation.
Constitutional Defense Council (CDC)	Utah Code Annotated 63J-4-603(1)(a),(b), (c),(e)(vii), and (i); 63C-4a-403	<p><b>IV. CDC: Provide staff assistance to the CDC</b></p> <ol style="list-style-type: none"> <li>Report to the CDC concerning PLPCO activities and expenditures.</li> <li>Prepare an annual R.S. 2477 work-plan for approval by the CDC.</li> <li>Administer county reimbursement requests.</li> </ol>	Provide staffing for meetings, review requests, administer county programs for reimbursement.	Ongoing	Support the committee as needed and required by statute.	Committee fully supported as needed and required by statute.

**Public Lands Policy Coordinating Office (PLPCO) Legislative Mandates: (DRAFT)**

Mandate	Authority	PLPCO Mandated Activities	Quantified	Status	Short Term Goals	Desired Outcome
Litigation	Utah Code Annotated 63J-4-603(3)(b) and (c); FY 2013-2014 Appropriations Report, pg. 189	<p><b>V. Litigation: PLPCO actively participates in litigation defending the State's interest on public lands.</b></p> <p>PLPCO also assists the Utah Attorney General's Office with affirmative and defensive litigation on public land issues which affect the State's interests. Currently, PLPCO is engaged in the following cases:</p> <ol style="list-style-type: none"> <li>1. Uintah County v. Jewell ("Wildlands"): Challenging the BLM's designation of lands as "de facto" wilderness, which circumvents congressional process for wilderness designation. These unlawful designations have resulted in denial of oil and gas leases.</li> <li>2. SUWA v. Burke ("RMP"): Defending the BLM's seven resource management plans that regulate travel and other activities on public lands managed by the BLM against the environmental organizations' challenge. The BLM goes through arduous administrative process, including data gathering, revisions, public comment, and community meetings to create its resource management plans. Environmental organizations are challenging seven plans, particularly plans' provisions relating to motorized access and travel to restrict access and use.</li> <li>3. WWP. V. Pool ("GSENM Grazing"): Defending BLM's grazing management challenged by WWP. The Environmental organization filed a motion to compel the BLM to make grazing management changes. BLM and Utah filed cross-motions for summary judgment. Oral argument was held on October 23rd. Judge Waddoups ruled from the bench and granted Utah and BLM's motion for summary judgment.</li> <li>4. Friends of Animals v. U.S. FWS: Case that challenges the incidental taking permits issued to Garfield and Iron Counties. The State of Utah, Garfield and Iron Counties filed a motion to intervene on November 18, 2014. A joint motion to stay the case was filed on November 18, 2014.</li> <li>5. Gunnison Sage-Grouse was recently listed as threatened. Accordingly, the Utah Attorney General's Office filed a Notice of Intent to sue over the listing.</li> <li>6. Rocky Mountain Wild v. Walsh: The State of Utah, Uintah County and SITLA have intervened in this lawsuit to defend the Conservation Agreement for the Graham's and White River Penstemon.</li> </ol>	PLPCO actively participates in litigation cases necessary to zealously advocate for Utah in issues affecting public lands.	Ongoing	Prepare pleadings for upcoming litigation on Gunnison Sage-Grouse and Graham Beardtongue.	To prevail in the respective cases.
R.S. 2477 Roads Litigation	Utah Code Annotated 63J-4-603(1)(e)(vi); 63J-4-603(3)(b); FY 2013-2014 Appropriations Report, pg. 189	<p><b>VI. R.S. 2477 Litigation</b></p> <ol style="list-style-type: none"> <li>1. PLPCO litigates lawsuits concerning title to roads crossing federal public lands under Revised Statute 2477 (R.S. 2477) in order to ensure access to resources and recreational areas and foster growth in the state and local economies.</li> <li>2. PLPCO participates in settlement negotiations with the federal government as part of the litigation process concerning these roads.</li> </ol>	<ol style="list-style-type: none"> <li>1. Lawsuits filed for over 12,000 roads in 22 different counties. Complaints and exhibits totaled over 120,000 pages.</li> <li>2. Case Management Order (CMO) entered into with federal government allowing preservation depositions to proceed to gather witness testimony.</li> <li>3. Approximately 250 depositions taken to date.</li> <li>4. Testimony gathered on approximately 5210 roads.</li> <li>5. 3,600 miles and 1,150 roads GPS video recorded for lawsuit/future settlement negotiations.</li> </ol>	Ongoing		Establish R.S. 2477 rights-of-way on all 12,000 roads in the complaints through litigation and/or settlement negotiations with the federal government.

**Public Lands Policy Coordinating Office (PLPCO) Legislative Mandates: (DRAFT)**

Mandate	Authority	PLPCO Mandated Activities	Quantified	Status	Short Term Goals	Desired Outcome
Wilderness Act	Utah Code Annotated 63L-7-104; 63L-7-105; 63L-7-109	<p><b>VII. Utah Wilderness Act Mandates</b></p> <p>The director of PLPCO, within one year of the acquisition date, shall identify within a parcel of acquired land any conservation areas. Before identifying a parcel of land as a conservation area, the director of PLPCO shall inform the School and Institutional Trust Lands Administration (SITLA) that a parcel is being considered for designation as a conservation area; and provide SITLA with the opportunity to trade out land owned by SITLA for the parcel in question subject to reaching an exchange agreement with the agency that manages the parcel.</p> <p>2. The director of PLPCO will file a map and legal description of each identified conservation area with the governor, the Senate, and the House of Representatives. PLPCO will also maintain and make available to the public, records pertaining to identified conservation areas, including maps, legal descriptions, copies of proposed regulations governing the conservation area, and copies of public notices of and reports submitted to the Legislature, regarding pending additions, eliminations, or modifications to a conservation area. Additionally, PLPCO will review each identified conservation area for its suitability to be protected wilderness area within five years of the date of acquisition.</p> <p>3. Within five years of the acquisition date of a parcel of land, the director of PLPCO will review all areas identified as conservation areas and submit a report and recommendations to the governor on the suitability of a conservation area for designation as a protected wilderness area.</p> <p>4. Before making a recommendation, the director of PLPCO will give notice of the proposed recommendation in a newspaper having general circulation in the vicinity of the affected land, hold a public hearing, and at least 30 days before the date of the hearing, invite local authorities to submit their opinions on the proposed action. Any recommendations submitted shall be included with any recommendations to the governor.</p> <p>5. The director of PLPCO will report to the governor, for transmission to the Legislature on the status of the Utah wilderness preservation system, regulations in effect, and other pertinent information.</p> <p>6. The director of PLPCO will report any recommendations for future action to the Natural Resources, Agriculture, and Environment Interim Committee by November 30 of each year.</p>	To date, nothing has been done to trigger any action.			
H.B 323	Utah Code Annotated 63J-4-607	<p><b>X. County Resource Management Plans</b></p> <p>1. Assist each Utah County with preparation of Resource Management Plans.</p> <p>2. Facilitate Coordination between counties and State resource agencies.</p> <p>3. Administer county reimbursement requests.</p>	Provide staffing for meetings, review requests, administer county reimbursement.	Ongoing		Statewide Resource Management Plan based on County Plans
Snake Valley Aquifer	Utah Code Annotated 63J-4-603(1)(k) and (l)	<p><b>VIII. Snake Valley Aquifer Mandates</b></p> <p>Provide staff services to the Snake Valley Aquifer Advisory Council created in Section 63C-12-103.</p> <p>Coordinate and direct the Snake Valley Aquifer Research Team created in Section 63C-12-107.</p>		Currently on hold, but could be reactivated if necessary.		
<b>Previously Completed</b>						
H.B. 148/H.B. 142 Transfer of Public Lands Act and Study	Utah Code Annotated 63L-Chapter 6; 63J-4-606; H.B. 142, "Public Lands Policy Coordinating Office Amendments;" FY 2013-2014 Appropriations Report, pg. 189	<p><b>IX. H.B. 148/H.B. 142 Transfer of Public Lands Act and Study</b></p> <p>PLPCO (in connection with the Attorney General's Office) worked with the university agencies contracted to create and finalize the studies on transfer of public lands (mandated by the Transfer of Public Lands Act HB 148), and to ensure the relevance and quality of the studies.</p> <p>During the study and economic analysis, PLPCO consulted with county representatives on an ongoing basis regarding how to consider and incorporate county land use plans and planning processes into the analysis.</p>	<p>1. Oversaw the university agencies' efforts to research and analyze data relating to expenditures and revenues related to federal land and providing economic analysis of the possible effects of the land transfer contained within H.B. 148.</p> <p>2. PLPCO provided a summary paper to accompany the report as set forth in H.B. 142.</p>	Completed	PLPCO submitted a final report on the study and an economic analysis to the governor and the Natural Resources, Agriculture, and Environment Interim Committee November 30, 2014. The report was discussed in detail before the Commission on the Stewardship of the Public Lands on December 3, 2014.	Assist, as needed, in the legal mechanism of transfer of public lands to Utah or further studies.