

PUBLIC LANDS: POLICIES ENACTED BY THE UTAH LEGISLATURE, 2012-2019

Updated February 2020 for the Federalism Commission

SUMMARY

The chart to the right shows the percentage of legislation passed according to public lands policy subcategories.

Total county resource mgt. plans:	29
Total number of bills:	46
Total number of resolutions:	27

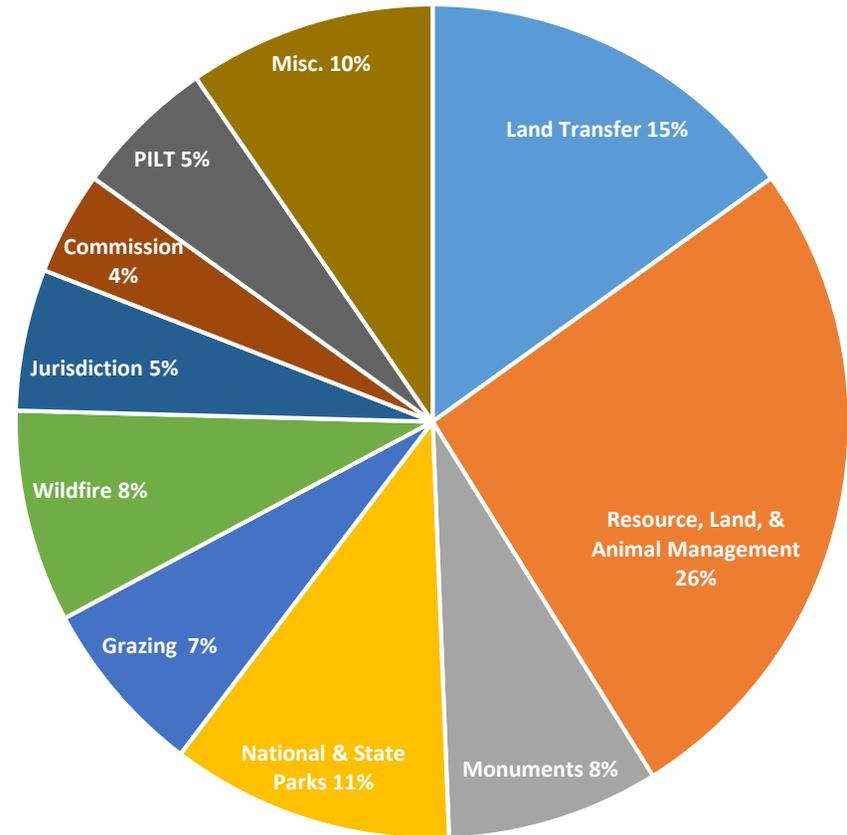
Total legislation/plans 2012-19: 102

COMMISSION FOR THE STEWARDSHIP OF PUBLIC LANDS

1. Created the Commission for the Stewardship of Public Lands and appropriated \$25,000. ([2014 H.B. 151](#), Stratton)
2. Codified provisions related to the Commission and created the Public Lands Litigation Restricted Account and the Public Lands Litigation Expendable Special Reserve Fund for asserting, defending, or litigating state and local government rights to the disposition and use of federal lands within the state. ([2016 H.B. 287](#), Christofferson)
3. Extended the repeal date of the Commission. ([2019 S.B. 18](#), Grover)

LAND TRANSFER

4. Demanded that the federal government transfer title of the public lands within Utah's borders directly to the state of Utah; declared that the Legislature, upon transfer to the state, intends to affirmatively cede the national park lands to the federal government; called for the creation of a Utah Public Lands Commission to review and manage multiple use of the public lands,



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and to determine, through a public process, the extent to which public land may be sold, if any; urged that any such land should be sold to private owners, that 5% of the net proceeds should be paid to the permanent fund for public education and 95% of the net proceeds should be paid to the federal government to pay down the national debt. ([2012 H.J.R. 3](#), Barrus)

5. Enacted the Transfer of Public Lands Act, which requires the U.S. to extinguish title to public lands and transfer title to those public lands to the state on or before December 31, 2014; if the state receives title to the public lands, the state shall retain 5% of the net proceeds the state receives, and pay the remaining 95% to the U.S.; required the Constitutional Defense Council to study or draft legislation on certain issues related to the transfer, management, and taxation of public lands. ([2012 H.B. 148](#), Ivory)
6. Required the Public Lands Policy Coordinating Office to conduct a study and economic analysis of the transfer of certain federal lands to state ownership, and established reporting requirements. ([2013 H.B. 142](#), Barrus)
7. Implored the federal government to honor the promises that it honored with all states east of Colorado through transferring title of public lands to willing western states; strongly urged the members of Utah's congressional delegation in the U.S. House of Representatives and the U.S. Senate to immediately sponsor legislation and generate opportunities to educate their colleagues through obtaining cosponsors for the bill and support from the numerous individuals that will be positively affected by the transfer of western public lands to state ownership and control. ([2014 H.C.R. 13](#), Noel)
8. Enacted an interstate compact establishing a compact commission to consider mechanisms for securing the transfer of federal land to member states; provided for membership and withdrawal, established an administrator, designated funding sources, and defined the goals of securing sovereignty and jurisdiction over western states' public lands. ([2014 H.B. 164](#), Stratton)
9. Encouraged the federal government to move forward with the exchange of state and federal lands and support congressional action to finalize the exchanges. ([2014 H.B. 183](#), Noel)
10. Amended provisions relating to the Legislature's approval of conveyances of school trust lands in Title 63L, Lands. ([2014 H.B. 341](#), Noel)
11. Affirmed support for the Public Lands Initiative and for locally driven land use planning over unilateral federal action regarding Utah's public lands, and reinforced the Legislature's commitment to the ideals of local control, local ownership, local lands management and locally driven land use planning over the unilateral use of the Antiquities Act of 1906; encouraged Utah's

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congressional delegation and participating 22 counties to bring some resolution to the long-standing public land disputes. ([2015 S.C.R. 10](#), Hinkins)

12. Amended the Interstate Compact on the Transfer of Public Lands by adding financing provisions. ([2015 H.B. 132](#), Stratton)
13. Defined terms for the selling or exchanging of 500 acres or more of governmentally controlled land by requiring governmental entities to submit proposal for legislative approval; enacted requirements for government entities selling or exchanging 500 acres or less of governmentally controlled land to the federal government to notify the Legislative Management Committee; required a governmental entity that enters into a discussion with a federal agent that may result in certain actions to provide written notice to the Legislature. ([2015 H.B. 303](#), Stratton)
14. Modifies the duties and responsibilities of the Public Lands Policy Coordinating Office, including requiring the office to advise and consult with state and local government entities in the process of submitting applications for the acquisition of federal land. ([2019 H.B. 229](#), Brammer)

RESOURCE, LAND, AND ANIMAL MANAGEMENT

15. Enacted a process for a county to recommend to the Legislature proposed congressional land use legislation concerning federal land use within the county, and permits counties to prepare reports and draft concurrent resolution in support of the proposed congressional land use legislation to the Public Lands Policy Coordinating Office, which shall be presented to a legislative committee in its finalization; authorized the governor to call a special session to consider the concurrent resolution. ([2012 H.B. 176](#), Noel)
16. Urged the U.S. Fish and Wildlife Service to exempt private properties in San Juan County from designation as Gunnison sage grouse critical habitat under the Endangered Species Act. ([2013 H.C.R. 7](#), Noel)
17. Urged Congress to create a process for transferring authority to protect and manage feral horses and burros within Utah borders to the state, and requested the Governor to draft a feral horse and burro management plan. ([2015 S.J.R. 7](#), Vickers)
18. Appropriated \$400,000 from the General Fund for the Department of Natural Resources–Division of Wildlife Resources to implement the Utah prairie dog management plan for fiscal year 2016. ([2015 S.B. 230](#), Vickers)

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19. Requested Congress to enact legislation recognizing and encouraging state primacy in the long-term management of sage-grouse and its habitat through implementing a state sage-grouse conservation plan. ([2015 S.C.R. 3](#), Van Tassell)
20. Established requirements for a county to develop a resource management plan and intercounty coordination as part of the county's general plan and the state to provide information and technical assistance to counties throughout the process; established administrative duties of the Public Lands Policy Coordinating Office and modified provisions relating to county and statewide resource management plans supervised by the Public Lands Policy Coordinating Office. ([2015 H.B. 323](#), Stratton) ([2016 H.B. 219](#), Stratton)
21. Affirmed that public land shall be managed to promote multiple uses of the land; illustrated the process to sell or exchange a parcel of public land; reaffirmed that a county sheriff is the primary law enforcement authority on public land; created the prospective Department of Land Management; enacted the Utah Public Land Management Act, and established key duties and reporting for the director of the Division of Oil, Gas, and Mining to the Commission for the Stewardship of Public Lands, the director of the Department of Natural Resources, and the commissioner of the Department of Agriculture and Food; additionally, established the Public Land Protection Fund, Public Land Management Fund and Advisory Board, the Timber Fund, the Grazing Land Fund, and the Division of Land Management within the Department of Natural Resources. ([2016 H.B. 276](#), Noel) ([2017 H.B. 407](#), Noel)
22. Adopted the Statewide Resource Management Plan, on file with the Public Lands Policy Coordinating Office (PLPCO). Requires PLPCO to monitor and report on the implementation of the Statewide Resource Management Plan at the state and local level. ([2018 H.B. 249](#), Stratton)
23. Stated that the director of the School and Institutional Trust Lands Administration (SITLA) may make determinations regarding the management, protection, and conservation of plant species proposed for designation as endangered or threatened under the Endangered Species Act of 1973, exempted SITLA from a portion of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and modified the procedure for the sale of trust lands. ([2018 H.B. 253](#), Snow)
24. Authorized the Division of Forestry, Fire, and State Lands to dispose of state land in exchange for the execution of a project for the comprehensive restoration of Utah Lake and provided for land transferred to a private party to become subject to applicable land use provisions of state law. ([2018 H.B. 272](#), McKell)

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25. Described the process by which a municipality may provide water to customers outside the municipality's political boundaries and stated that a municipality may not sell the municipality's waterworks, in whole or part, except as provided by statute. ([2019 H.B. 31](#), Coleman)
26. Requires a governmental entity that is advocating for a federal designation within the state to bring the proposal to the Natural Resources, Agriculture, and Environment Interim Committee for review. ([2019 H.B. 78](#), Albrecht)
27. Modified provisions related to registrations, licenses, permits, and tags related to wildlife. ([2019 H.B. 167](#), Ferry)
28. Urged expeditious and collaborative development of recommendations for policy and actionable solutions to avert economic, social, and environmental harm due to declining water levels at Great Salt Lake and its wetlands. ([2019 H.C.R. 10](#), Hawkes)
29. Proposed amending the Utah Constitution by revising a provision related to municipal water rights and sources of water supply, eliminating references to municipal waterworks, and specifying the circumstances under which a municipality may commit water resources or water supply outside its boundaries or exchange water resources (to be effective January 1, 2021, if the amendment is approved by voters). ([2019 H.J.R. 1](#), Stratton)
30. Expressed support for the formation of legislatively-approved land use plans for certain federally managed public lands in the state to better ensure that land management reflects state and local interests, recognized the Commission for the Stewardship of Public Lands as the appropriate legislative entity to oversee formation of the land use plans, and supported the Commission of Stewardship of Public Lands issuing a request for proposals to hire a consultant to form the land use plans. ([2019 H.J.R. 17](#), Stratton)
31. Directed state legislative bodies and agencies to work with federal legislative bodies, agencies, and other like-minded states to pursue strategies that outline the state's laws, principles, values, priorities, and willingness to work with federal agencies to manage the state's public lands. ([2019 S.C.R. 13](#), Hinkins)

NATIONAL AND STATE MONUMENTS

32. Urged Congress to create a process for establishing a national monument that includes public participation and local and state involvement; expressed opposition to the presidential creation of any large area national monument as a violation of the Antiquities Act's smallest-area-compatible mandate; declared that unchecked exercise of power concentrated in the President has serious consequences for Utah. ([2015 S.C.R. 4](#), Urquhart)

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33. Expressed strong opposition to the Bears Ears National Monument designation and urged the President to rescind the Bears Ears National Monument designation. ([2017 H.C.R. 11](#), Hughes)
34. Expressed opposition to the manner which the Grand Staircase-Escalante National Monument (GSENM) was designated, and urged Utah's congressional delegation to support legislative actions to reduce or modify the boundaries. ([2017 H.C.R. 12](#), Noel)
35. Expressed support for United States House of Representatives bill H.R. 4558, the "Grand Staircase Escalante Enhancement Act," introduced by United States Representative Chris Stewart to establish the Escalante Canyons National Park and Preserve, Grand Staircase National Monument, Kaiparowits National Monument, and Escalante Canyons National Monument. ([2018 S.C.R. 8](#), Okerlund)
36. Encouraged Utah's congressional delegation to pursue legislation exempting Utah from the Antiquities Act. ([2018 H.J.R. 1](#), Albrecht)
37. Created the State Monuments Act, which outlines the process for designating a state monument and required the Division of State Parks and Recreation to create rules for management of prospective state monuments. ([2019 H.B. 14](#), Eliason)

NATIONAL AND STATE PARKS

38. Recognized the 50th anniversary of Canyonlands National Park. ([2014 S.C.R. 8](#), Hinkins)
39. Established and designated a State of Utah Transportation Plan for the Dixie National Forest and requested that federal agencies fully cooperate and coordinate with the state and counties to develop, amend, and implement U.S. Forest Service land and resource management plans and transportation plans; encouraged applicable federal, state, and local agencies to coordinate with each other and establish intergovernmental commissions to achieve consistency in planning decisions and management actions within Dixie National Forest. ([2014 H.B. 412](#), Noel)
40. Encouraged the U.S. Congress to approve legislation granting all fourth grade children in the U.S., and their families, free admission to U.S. national parks during the 2015-2016 school year; invited President Obama to travel to Utah with the First Family to experience the natural beauty of the "Mighty Five" national parks within Utah. ([2015 S.R. 3](#), Dabakis)

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41. Urged Utah's federal delegation to introduce legislation that would reimburse the state for money spent to keep national parks, national monuments, and national recreation areas within the state open during the federal budget shutdown. ([2016 H.C.R. 11](#), Ivory)
42. Authorized the Division of Parks and Recreation to enter into agreements with the U.S. Bureau of Land Management and the U.S. National Park Service to acquire the Hole in the Rock area as a state park, and stated that the Hole in the Rock area to be included within the state park system. ([2017 H.B. 63](#), Stratton)
43. Authorized the Division of Parks and Recreation to enter into an agreement with the U.S. Bureau of Land Management to use the Little Sahara Recreation Area as a state park, and stated that the Little Sahara Recreation Area shall be included within the state park system. ([2017 H.B. 95](#), Eliason)
44. Expanded the definition of the Hole in the Rock area, which is included within the state park system. ([2018 S.B. 220](#), Dayton)
45. Honored the achievements of Fred Hayes and encouraged the renaming of the Starvation State Park to the Fred Hayes State Park at Starvation. ([2018 H.C.R. 21](#), Perry)

GRAZING

46. Defined and adopted a livestock grazing and rangeland management policy for the Escalante Region Grazing Zone; promoted local, state, and federal collaboration to develop grazing resources in the Escalante Region Grazing Zone. ([2013 H.B. 382](#), Noel)
47. Established Utah Grazing Agricultural Commodity Zones in Washington County and authorized county to pursue certain grazing-related options to mitigate wildfire risk on grazing zones located on federal land. ([2015 H.B. 384](#), Noel)
48. Established Utah Grazing Agricultural Commodity Zones in Beaver County. ([2016 H.B. 363](#), Noel)
49. Emphasized the positive impact ranching has on the state of Utah, while expressing support for continued livestock grazing on public lands, and urged the federal government to implement policies supportive of grazing on public lands. ([2017 H.C.R. 7](#), Westwood)
50. Established and modified Utah Grazing Agricultural Commodity Zones in Garfield County. ([2018 H.B. 93](#), Stratton)

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WILDFIRE

51. Required the Conservation Commission within the Department of Agriculture and Food to work with Utah State University and certain conservation districts to complete a study and economic analysis of certain issues regarding wildfires on public lands within Utah, and report findings to the Commission for the Stewardship of Public Lands; appropriated \$200,000 for fiscal year 2016 to the Department of Agriculture and Food from the General Fund. ([2016 H.B. 464](#), Ivory)
52. Clarified the amount of General Fund revenue surplus that is transferred to the Wildland Fire Suppression Fund. ([2017 S.B. 122](#), Vickers)
53. Modified the Catastrophic Public Nuisance Act, including providing that, under certain circumstances, the state shall indemnify, defend, and hold a chief executive officer or county sheriff harmless from any claims or damages resulting from the chief executive officer's or county sheriff's action in abating a catastrophic public nuisance. ([2019 H.B. 99](#), Ivory)
54. Established the Wildland Fire Preparedness Fund and directed the state forester to make grants from the fund to fire departments or volunteer fire departments to assist in the suppression of wildland fires. ([2019 H.B. 135](#), Owens)
55. Urged the federal government to pursue policies that allow for easier reduction of excess forest fuel loads. ([2019 H.C.R. 5](#), Ward)
56. Imposed requirements for being permitted to conduct large prescribed fires, large prescribed pile fires, or nonfull suppression events. ([2019 H.B. 155](#), Snider)

JURISDICTION

57. Authorized a chief executive officer of a political subdivision or county sheriff to exercise jurisdiction over a federally managed national monument or recreation area in the state that is encompassed by or adjacent to the political subdivision; required the attorney general take certain actions if a legal action is filed by the U.S. or a federal representative against a chief executive officer, a county sheriff, or an employee or agent of the chief executive officer or county sheriff. ([2014 H.B. 67](#), Roberts)
58. Prohibited individuals from starting a campfire on the bed of a navigable lake or river, except in a posted and designated area; prohibited individuals from posting a sign claiming private property on state land or prohibiting, preventing, or obstructing public entry onto state land where public entry is authorized by the Division of Parks and Recreation. ([2015 S.B. 66](#), Dayton)
59. Modified the trespassing provisions on state lands. ([2018 S.B. 69](#), Dayton)

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60. Modified provisions regarding the extraterritorial jurisdiction of a municipality to enact protections for the municipality's water works and water sources and provided a process by which a municipality may adopt an ordinance or regulation under the municipality's extraterritorial jurisdiction. ([2019 S.B. 17](#), Okerlund)

PAYMENT IN LIEU OF TAXES (PILT)

61. Evoked Congress' failure to fund the federal Payment in Lieu of Taxes (PILT) program in its Consolidated Appropriations Act; acknowledged the vital need of Utah counties to receive timely annual PILT payments; called upon Congress to establish reliable year-to-year funding authorization for PILT so counties may have certainty in their annual budget processes. ([2014 S.C.R. 6](#), Okerlund)
62. Implored the United States Congress to fully and permanently fund Payments in Lieu of Taxes (PILT) and transfer to the state Utah the federally controlled public lands within the state, so that Utah and its subdivisions can generate tax and other revenues from these lands to fund education, police, fire, sanitation, social welfare, and other essential public services. ([2014 H.J.R. 21](#), Ivory)
63. Required the Commission on Federalism to hold hearings on the impact of the federal payments in lieu of tax on the state and required the Commission on Federalism to engage each of the state's elected members of Congress in coordinating with the federal government to secure payments in lieu of tax that are equivalent to the property tax the state would generate but for federally controlled state land. ([2018 H.B. 357](#), Ivory)
64. Urged the President of the United States, the United States Congress, and Utah's congressional delegation to propose and secure the passage of legislation that requires PILT payments to be equivalent to the tax revenue the state, subdivisions, and school districts would otherwise be able to generate but for the federal control of Utah lands. Urged the President and Congress to timely and faithfully pay PILT payments and refrain from holding PILT payments hostage to secure legislative votes. ([2018 H.C.R. 19](#), Ivory)

MISCELLANEOUS

65. Amended the State of Utah Resource Management Plan for Federal Lands. Created the Green River Energy Zone, which promotes local, state, and federal collaboration to develop energy and mineral resources in the Zone. ([2013 S.B. 277](#), Hinkins)

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66. Enacted the Utah Wilderness Act by establishing the process for mapping and evaluating potential wilderness areas as well as the process for designating a protected wilderness area; described the acceptable uses of a protected wilderness area and required the director of the Public Lands Policy Coordination Office to make annual reports to the Governor for transmission to the Legislature and the Natural Resources, Agriculture, and Environment Interim Committee each year. ([2014 H.B. 160](#), Handy)
67. Requested that the President direct federal agencies that implement management practices which increase soil carbon sequestration to develop comprehensive plans that achieve the maximum amount of carbon sequestration possible and increase the economic and environmental productivity of rangelands; additionally, urged similar action within each state. ([2015 H.C.R. 8](#), Noel)
68. Stipulated that money appropriated to the Constitutional Defense Restricted Account may be approved for use by the Office of the Attorney General or any other state or local government entity to bring an action to establish the right of a state or local government officer or employee to enter onto federal land or use a federal road or an R.S. 2477 road. ([2016 H.B. 270](#), Noel)
69. Affirmed Utah as a premier public lands state that is committed to responsible local management of Utah's public lands, which results in greater opportunities for outdoor recreation, including hunting, fishing, access, and economic benefits. ([2017 H.C.R. 1](#), Stratton)
70. Recognized the impact of Utah's sportsmen and sportswomen have on our state's natural resources and economy. Urged Congress to respect the historic and current use of Utah's public lands by sportsmen and sportswomen, protect and enhance public lands for Utah's sportsmen and sportswomen, and respect the administration of wildlife conservation through the sound science delivered by the Utah Division of Wildlife Resources and science-based policies developed by the Utah Wildlife Board. (2018, [H.J.R. 8](#), Hawkes)
71. Makes closing a road under certain circumstances a class C misdemeanor. ([2019 H.B. 179](#), Lyman)