

Recommended Amendments to the State Resource Management Plan

Submitted to the Federalism Commission on August 30, 2024

- 1) **Introduction:** Incorporated sections from the BLM Land Use Planning Handbook on coordinating with state and local plans (page 6). Added internal memorandums and guidance as documents to be referenced in a Governor’s Consistency Review (page 8). Moved environmental justice considerations and objectives from the Air Quality section to the Introduction section because they apply to all sections of the plan (page 9).
- 2) **Economic Considerations:** Statistical data was updated.
- 3) **Agriculture:** Statistical data was updated.
- 4) **Air Quality:** Updated tables and figures. Clarified information related to State Implementation Plans (SIPs).
- 5) **Cultural and Historical:** No significant changes.
- 6) **Ditches and Canals:** *The Federal government recognized the importance of ditches and canals to Westward Expansion when it enacted “An Act Granting the Right of Way to Ditch and Canal Owners over Public Lands, and for Other Purposes” on July 26, 1866. Formally codified as Revised Statute 2339 in 1874, the law acknowledged and confirmed the right of way for the construction of ditches and canals for mining, agricultural, manufacturing, or other purposes by rightful water users according to local customs, laws, and the decision of courts. The Federal government validated these existing rights-of-way more than a century later with a savings provision in the Federal Lands Policy Management Act (FLPMA) of 1976: “Nothing in this Act, or in any amendment made by this Act ..., shall be construed as terminating any valid ... right-of-way ... existing on the date of approval of this Act [Oct. 21, 1976].” (page 46)*
Objective: Ensure that historical canals and ditches eligible for inclusion in the National Register of Historic Places are identified and assessed for effects when federal or state undertakings have the potential to impact them. Avoid, minimize, or mitigate adverse effects. (page 49)
- 7) **Energy Resources:** Statistical data was updated. Incorporated the basis of the amended Utah Energy Act. Addressed concerns with the Western Solar Programmatic Environmental Impact Statement (pages 66-67) Essentially, the BLM has a goal to develop 700,000 acres of utility-scale solar on public lands over the next 20 years across the 11-state planning area. Utah’s share is about 40,000 acres (we didn’t get a say in what our share will be). The BLM has approved over 5,000,000 acres of public land in Utah for utility-scale solar development. There will be a site-specific analysis for each project that is proposed by industry.
- 8) **Fire Management:** Clarified the role of Forestry, Fire and State Land for wildfires on state and unincorporated private lands (page 80). Adopted the 2021 International Wildland Urban Interface code.
- 9) **Fisheries:** Extensive housekeeping edits to enhance information consistency and information.
- 10) **Floodplains and River Terraces:** Basic edits only.
- 11) **Forest Management:** Basic edits only.
- 12) **Geological and Paleontological:** Basic edits only.
- 13) **Irrigation:** Basic edits only.
- 14) **Land Access:** Updated background information related to R.S. 2477 and the Bellwether Trial (pages 126-127) to incorporate the courts ruled in the state’s favor on August 9, 2024.
Policy: Because the State and County are holders of a vested property interest and have vested title in R.S. 2477 rights-of-way, although title may not yet have been perfected, the State and County will proceed with maintenance and other activities as designated by the Court's decisions. (page 128)
Policy: Oppose conservation and mitigation leases on public lands that limit, reduce, or impede other multiple-use and sustained yield practices as defined by FLPMA and NFMA. (page 130)

- 15) Land Use:** Incorporated recent legislation on natural asset companies.
Policy: (1) *A natural asset company may not purchase or lease state public lands. (2) On public lands within the state, a natural asset company may not own or manage a conservation lease or purchase or lease ecosystem services.* (pages 141-142)
- 16) Law Enforcement:** Basic edits only. We will plan to incorporate background on the Division of Law Enforcement at the Department of Natural Resources next year after the transition.
- 17) Livestock and Grazing:** Statistical data was updated.
Objective: *Support the use of best-available science to establish grazing AUM/HM levels and seasons of use.* (page 152)
Policy: *A grazing allotment on federal public lands is a valid existing right for purposes of federal land withdrawals when the owner of the grazing allotment meets the requirements described in Section 63L-8-404 (House Bill 363, 2024).* (page 152)
- 18) Mining and Mineral Resources:** Basic edits only.
- 19) Noxious Weeds:** Basic edits only.
- 20) Outdoor Recreation, Tourism, and Film:** Basic edits only.
- 21) Pipelines and Infrastructure:** Updated tables and maps. Incorporated information on the Cross-Tie transmission line.
- 22) Predator Management:** Updated tables and basic statistics.
- 23) Riparian Areas:** Basic edits only.
- 24) Threatened and Endangered Species:** Changed the Endangered Species Mitigation Fund to Species Protection Account.
- 25) Utility Corridors:** Updated tables, maps, and basic statistics.
- 26) Water Rights:** Extensive updates on adjudication, geothermal well drilling, interstate compacts, and federal reserved water rights.
- 27) Water Quality and Hydrology:** Basic edits only.
- 28) Wetlands:** Basic edits only.
- 29) Wild and Scenic Rivers:** Clarified that designated boundaries do not extend beyond federal lands onto private or state lands.
- 30) Wilderness:** Basic edits only.
- 31) Wildlife:** Basic edits only.
- 32) Wild Horses and Burros:** Basic edits only.