



Public Lands Policy Coordinating Office

Accountable Budget Process

Natural Resources, Agriculture and Environmental Quality Appropriations Subcommittee

Lacey Moore | Interim 2024

JR 3-2-501 (amended in H.J.R. 18 of the 2019 General Session) requires each appropriations subcommittee to annually study 20 percent of the budget that falls within the subcommittee’s assignment, ensuring that once every five years, each line item is the subject of the accountable budget process. Due to increased scrutiny associated with the pandemic, the process was suspended during the 2020 interim. In 2023, the subcommittee reviewed the Division of Water Rights, Funds in the Division of Water Resources, the Division of Wildlife Resources, and the Office of Energy Development. In this fifth and final year of the cycle, the subcommittee is considering the remaining divisions in the Department of Natural Resources (State Parks, Outdoor Recreation, and the Public Lands Policy Coordinating Office) and the School and Institutional Trust Lands Administration.

During the October interim meeting, the subcommittee will vote on the base budget for these entities, deciding to what extent to fund each program and adopt recommendations. The result of this vote will become Section 3 of the subcommittee base budget during the 2025 General Session.

This issue brief contains analysis for the Public Lands Policy Coordinating Office. This report is organized into the following sections:

1. [Enabling Authority](#)
2. [Performance Measures](#)
3. [Programs and Staff](#)
4. [Fees](#)
5. [Funding](#)
6. [Expenditures](#)
7. [Budget Issues and Recommendations](#)
8. [Statutorily Required Reports](#)

1. Enabling Authority

[UCA 63L-11-201](#)

This section creates the Public Lands Policy Coordinating Office (office or PLPCO) within the Department of Natural Resources (DNR). This section also establishes that the Executive Director of the Department does not appoint the Executive Director of PLPCO, that authority is retained by the Governor. This is the section that provides DNR with its second Executive Director and limits the ability of the Department lead to manage one of its divisions. The Legislature should consider realigning authority within the department, retitling the PLPCO lead to simply “director” and allowing the appointment of the PLPCO director to fall within the scope of the DNR Executive Director¹.

[UCA 63A-16-507](#)

This section creates within the Utah Geospatial Resource Center (UGRC) a committee to award grants to counties for inventorying and mapping of R.S. 2477 rights of ways. The Department of Government

¹ See Recommendation #1.



Operations’ Division of Technology Services reports that it’s been more than 10 years since this committee has met, in part because there is no ongoing funding mechanism for the grant program².

[UCA 63C-4a-202-203](#), [402-403](#)

Chapter 4a, the “Constitutional and Federalism Defense Act” creates both the Constitutional Defense Council and the Constitutional Defense Restricted Account. PLPCO is charged in Part 2 with staffing the council, which is required in statute to meet at least monthly unless the chair determines by a poll of the members that a particular month’s meeting is not necessary. The council is also required to review expenses quarterly for:

- financial statements concerning implementation of the plan for R.S. 2477 rights; and
- financial and other reports from the Public Lands Policy Coordinating Office concerning its activities.

The council has met twice since October 2021, and did not meet at all in calendar year 2022. The council is also required to submit a report by December 1st of every year to each legislator which summarizes their activities. This committee is largely the body that oversees the litigation of R.S. 2477 roads by PLPCO and is also tasked with assisting the governor and the legislature on the constitutionality of federal mandates. It’s surprising with so much recent litigation against the federal government that this committee has not met in nearly a year. In October of 2021, the council passed a resolution finalizing a meeting schedule, but neither that document nor the meeting audio was posted to the public notice website³.

2. Performance Measures

For Fiscal Year 2025, the Legislature included language in [H.B. 2, New Fiscal Supplemental Appropriations Act](#) directing the office to report on the following measures of performance:

- 1) Percent of Legal Filings Submitted On-time (Target = 100%);
- 2) Percent of Counties with Favorable Review of PLPCO Interactions (Target = 70%); and
- 3) Percent of Agencies with Favorable Review of PLPCO Interactions (Target = 70%).

Historical data for the Public Lands Policy Coordinating Office line item performance measures are included in the table below:

	FY 2019		FY 2020		FY 2021		FY 2022		FY 2023		FY 2024	
	Target	Result	Target	Result	Target	Result	Target	Result	Target	Result	Target	Result
Percent of Legal Filings Submitted On-time	NA	NA	NA	NA	70%	98%	70%	100%	70%	100%	100%	100%
Percent of Counties with Favorable Review of PLPCO Interactions	70%	90%	70%	90%	70%	93%	70%	100%	70%	87%	70%	100%
Percent of Agencies with Favorable Review of PLPCO Interactions	70%	Not reported	70%	90%	70%	92%	70%	Not reported	70%	Not reported	70%	100%

² See Recommendation #2.

³ See Recommendation #3.



The current measures for the office do not capture outcomes and only one is aimed at efficiency. The lack of consistent reporting for the measure of internal customer service to state agencies indicates that this is not a metric which the office is capturing regularly or using to gauge their performance.

The Department of Natural Resources released a [2024 strategic plan](#) which includes Goals and Objectives for each division, including PLPCO. PLPCO has two goals listed in the plan, which are supported by objectives, and each objective lists several strategies. While the plan does include performance measures, the listed metrics do not seem to be quantifiable. For example, Performance Measure #2 in the plan is "Continually promote and protect the interests of the state and all 29 counties to maintain access to public lands for multiple-use and sustained yield on public lands through actively engaging in policy, rulemaking and litigation."

For the Legislature to understand the value provided by PLPCO, it would be beneficial for the office to develop line item performance measures that directly relate to their goals and objectives listed in the strategic plan⁴. To illustrate:

Goal 1. Promote access to public lands in Utah for multiple-use and sustained yield.

- Percent of R.S.2477 roads documented
- Number of Congressional Field Tours organized
- Number of Projects in the RDCC Database
- Number of Archeological Permits Issued
- Number of Public Educated on Utah's Archeological Resources and Public Lands Stewardship
- Engagement on social media (number of followers, number of individuals engaging with posts annually, etc.)

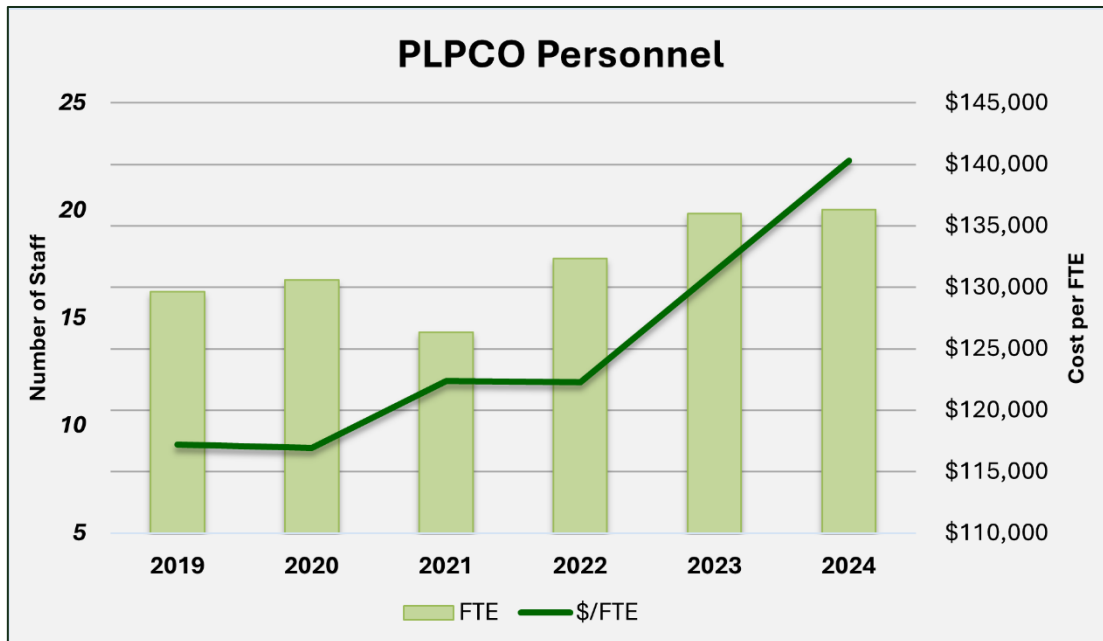
Goal 2. Provide stakeholders with effective communication, education, coordination, support and assistance.

- Number of meetings with Federal Land Management Agencies
- Number of public interviews, op-eds or other news media engagements
- Number of research projects coordinated at accredited universities
- Number of presentations on public land management at conferences, events, and expositions

3. Programs and Staff

The office has employed 14-20 full time staff in the last six fiscal years. Like other divisions in DNR, the office funds Attorney General staff, currently budgeted at six. Personnel costs comprised 49% of the office budget in FY 2024. The average cost per FTE has increased by 15% or \$18,022 in the last two fiscal years.

⁴ See Recommendation #4.



PLPCO does not have budgetary programs (appropriation units) within its line item. Appropriation units help the legislature understand and influence what functions, programs, and priorities a division or line item carries out. Appropriation units also play a role in budgeting transparency by providing readily available information to the public on how public funds were used. Within the state’s internal finance system, the office has the following accounting units: Admin, Attorneys, Contract, Studies, Monuments, and Other. There is currently no easy way to find out historical expenditures for projects like R.S. 2477, Resource Management Plans, etc⁵.

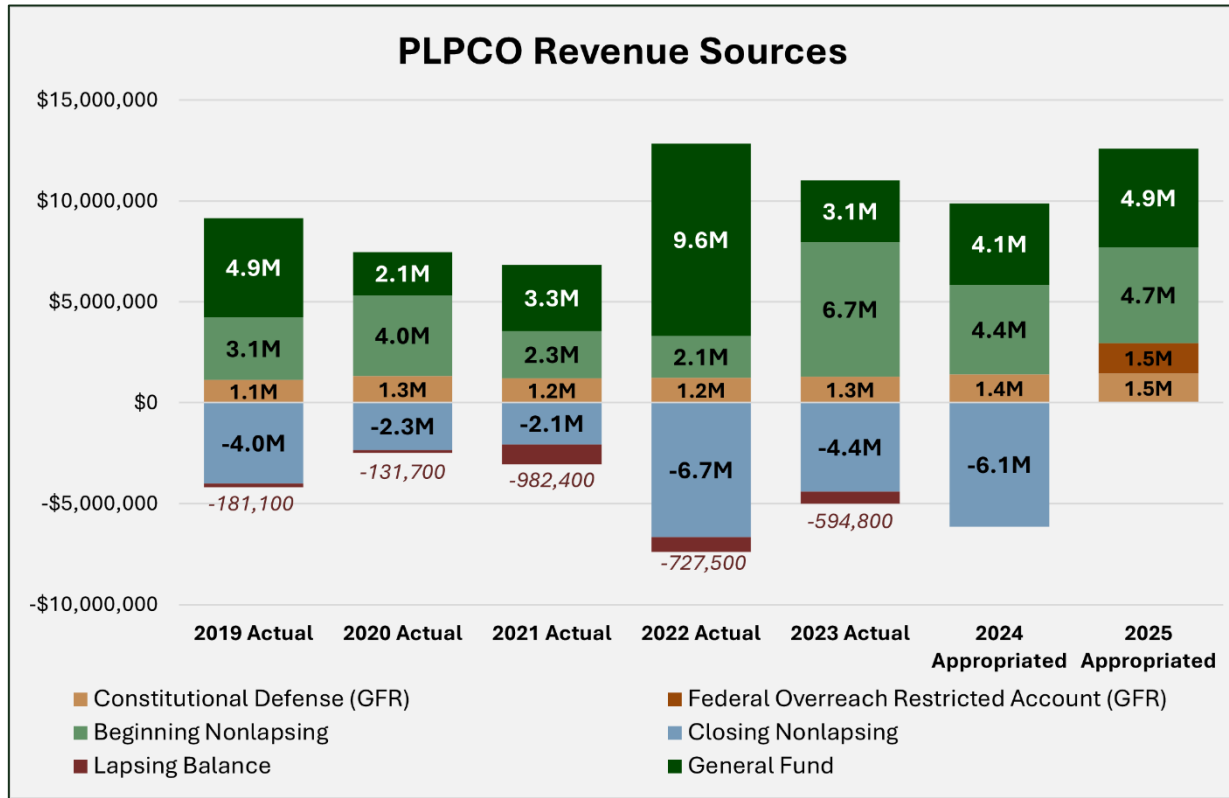
4. Fees

PLPCO does not have any fees in the fee schedule.

5. Funding

For FY 2025, 79% of PLPCO’s appropriated budget is from the General Fund (when including that their beginning balance is comprised of General Fund appropriations from past sessions). In FY 2025, the Office received a one-time appropriation from the Federal Overreach Restricted Account. As can be detected in the chart below, this appropriation included a transaction that moved some of PLPCO’s beginning balances into the restricted account and appropriated those to the line item (which is why the 2024 closing and 2025 beginning balances do not offset). From FY 2019 to FY 2023, the office lapsed back to the General Fund an average of \$523,500 each year.

⁵ See Recommendation #5.



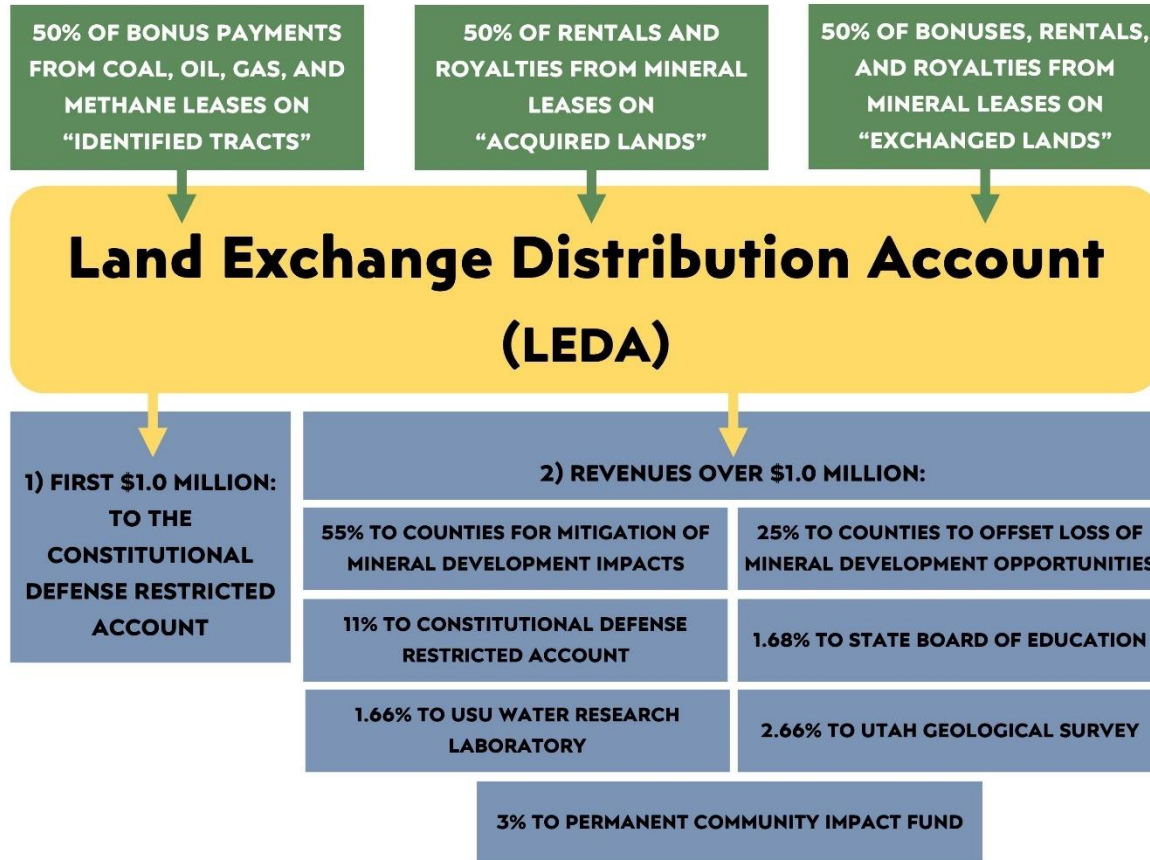
(a) Restricted Funds

Federal Overreach Restricted Account

In the [2024 Third Special Session](#), the Legislature renamed the Public Lands Litigation Account to the Federal Overreach Restricted Account and added public education about federalism or state sovereignty as an allowable use. The bill also replaced the Federalism Commission with the Executive Appropriations Committee as the entity required to review all expenditures from the account. The account can be used by any program in the state for asserting, defending, or litigating state and local government rights to the disposition and use of federal lands. The account does not have an ongoing revenue source, and currently has a balance of \$4.77 million.

Constitutional Defense Restricted Account

This account collects the first \$1.0 million and 11% of all following deposits made into the Land Exchange Distribution Account (LEDA). As outlined in [UCA 63C-4a-402](#), the account can be used by the Federalism Commission, the Constitutional Defense Council, PLPCO, Governor’s Office (for interstate water issues and R.S. 2477 litigation), counties, the Attorney General, or the Office of Legislative Research and General Council. More information on the LEDA account revenues and uses is found in the graphic below:



(a) Major Funded Items

The table below shows General Fund changes that the Legislature has made to the office’s budget since 2014, organized by session, and whether the change was ongoing or one-time.

Session	Type	Amount	Item Name
2015GS	Ongoing	\$500,000	RS 2477 Lawsuits
2015GS	One-Time	\$1,350,000	RS 2477 Lawsuits
2015GS	One-Time	\$2,000,000	RS 2477 Projects
2016GS	One-Time	\$180,000	Public Lands Attorney
2016GS	One-Time	\$300,000	Rural Public Lands Attorney and Assistant
2016GS	One-Time	\$500,000	State Sovereignty Grants
2017GS	Ongoing	\$200,000	Public Lands Policy Coordinating Office (PLPCO) - Operations
2017GS	One-Time	\$400,000	Foundation for Integrated Resource Management (FIRM)
2018GS	Ongoing	\$900,000	Operations Funding
Session	Type	Amount	Item Name
2018GS	Ongoing	\$120,000	Statewide Resource Management Plan Adoption
2018GS	One-Time	\$200,000	Legal Defense (Myton and Duchesne)
2018GS	One-Time	\$350,000	PLPCO - NGO - Funding



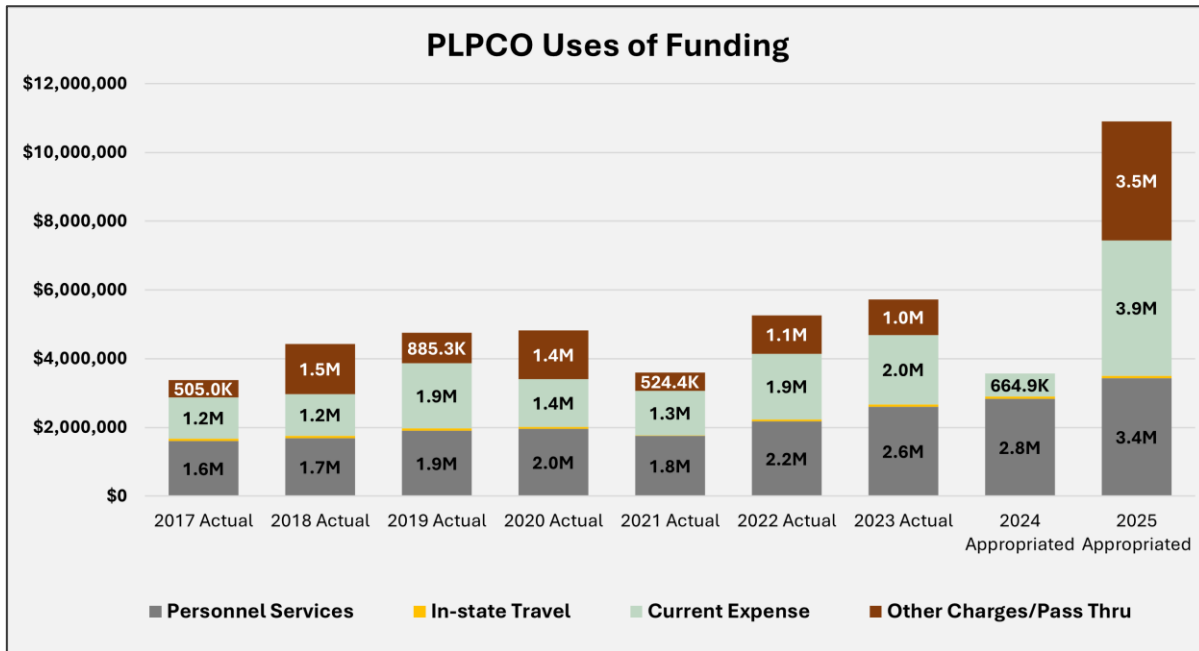
2018GS	One-Time	\$1,265,300	Public Lands Policy Coordinating Office Lapsing Technical Correction
2018GS	One-Time	\$450,000	Statewide Resource Management Plan Adoption
2019GS	Ongoing	\$18,300	Land Transfer Amendments
2019GS	One-Time	(\$112,900)	Commission on Federalism Reduction - Out
2019GS	One-Time	\$300,000	PLPCO Environmental Mitigation
2019GS	One-Time	\$1,000,000	R.S. 2477 Litigation Cost Sharing
2019GS	One-Time	\$300,000	The Rural Policy and Public Lands Institute (RPPL)
2019GS	One-Time	\$500,000	Wild Horse and Burro Management
2020GS	One-Time	(\$360,000)	PLPCO Resource Management Plan Database
2020S5	Ongoing	(\$58,300)	Legal Counsel Hours
2020S5	Ongoing	(\$145,600)	Legal Counsel Position
2020S5	Ongoing	(\$31,100)	PLPCO Admin Employee Hours
2020S5	Ongoing	(\$14,200)	Travel
2021GS	Ongoing	\$32,800	Hiring and Retention Compensation 2020 GS (ISF)
2021GS	Ongoing	\$203,900	PLPCO Legal Counsel Funding
2021GS	One-Time	\$500,000	Amending State and County Resource Management Plans
2021GS	One-Time	\$400,000	Monroe Mountain Data Gathering
2021GS	One-Time	\$5,000,000	Protection of Utah Natural Resources and Public Lands
2021GS	One-Time	\$500,000	Public Land Education
2022GS	Ongoing	\$15,500	Attorney Compensation Increases
2022GS	Ongoing	(\$11,900)	Federal Land Disposal Law Amendments
2023GS	Ongoing	\$19,400	Executive Comp.: Targeted Increases
2023GS	One-Time	\$19,400	Executive Comp.: Targeted Increases
2023GS	One-Time	\$500,000	Grand Staircase Monument Rangeland Health Study
2023GS	One-Time	\$225,000	Provo Canyon Resource Management Plan
2024GS	Ongoing	(\$7,900)	Snake Valley Aquifer Advisory Council Amendments

Adjustments total \$18.9 million, of which over 90% is one-time.



6. Expenditures

Since FY 2017, personnel services represent about 40% of all expenditures made by the office. For FY 2023, the largest categories of current expenses were Attorney Fees (\$1.3 million) and Professional and Technical Services (\$448,441). Other charges/Pass Thru are lumped into a single object category of "State Funded Program Provider Payments."



The units that are currently available on internal state systems to understand categories of expenditure are:

- 0811 PLPCO PUBLIC LAND POLICY OFFICE ADMIN
- 0812 PLPCO PUBLIC LAND POLICY OFFICE ATTORNEY
- 0813 PLPCO PUBLIC LAND POLICY OFFICE CONTRACTS
- 0814 PLPCO PUBLIC LAND POLICY OFFICE STUDIES
- 0815 PLPCO PUBLIC LAND POLICY OFFICE OTHER
- 0816 PLPCO PUBLIC LANDS POLICY MONUMENTS

It is not clear how contracts and studies differ, or why units other than 'Attorney' have large expenditures on attorney fees. It would be beneficial for the office to work with LFA and the Governor's Office to establish appropriation units that accurately capture the activities from the office and are well defined in the Compendium of Budget Information⁶.

⁶ See Recommendation #5.



7. Budget Issues and Recommendations

1) Reporting Structure in the Department

[UCA 63L-11-201](#) Describes the executive director who reports to the Governor. It is confusing at best and problematic at worst to have two executive directors in the same department, both of which report to the Governor. Lack of clear organizational structure leads to inefficiencies, turnover, and provides questions about who sets the direction for the office or who has authority to enforce policies and procedures.

Recommendation: The Legislature should open a bill file which clarifies that the director of the Public Lands Policy Office reports to the executive director of the Department of Natural Resources.

Note: requires statute change/bill file to be opened.

Agency Response: We do not oppose a bill file on the change of the Director's title. Given the nature of our work, coordinating across multiple agencies and numerous levels of government, there is a need for the Director to have direct communication with and access to the Governor. Therefore, we recommend that the Director of PLPCO's title be changed to Senior Advisor to the Governor on Public Lands. This change was agreed to by the Governor's Office, DNR Executive Director, and PLPCO Director last legislative session.

2) R.S. 2477 Grant Committee

[UCA 63A-16-507](#) creates an unnamed committee in the Utah Geospatial Resource Center (UGRC) to award grants to counties to inventory, document, and map R.S. 2477 rights of way. This committee includes members of the Department of Government Operations, Governor's Office, Utah State University, the Association of Counties and three county commissioners. There is no ongoing funding mechanism for this grant program, which is a likely contributor of this committee's inactivity. The Division of Technology Services, which oversees the UGRC, was not able to find documentation that this committee has met in the last 10 years.

Recommendation: The Legislature should consider removing or amending this code section since the committee does not function as intended.

Note: requires statute change/bill file to be opened.

3) Constitutional Defense Counsel & R.S. 2477 Oversight

There are several explicit requirements in 63C-4a related to the Constitutional Defense Council (CDC) and PLPCO that appear to have not been implemented in recent history:

- 63C-4a-403(4) requires PLPCO to prepare and submit a Constitutional Defense Plan to the council for their approval. Upon request, no plan was able to be produced by the office.
- 63C-4a-403(5) requires the CDC to review expenditures for furthering R.S. 2477 work at least quarterly, which has not happened in at least the last three years.



- 63C-4a-403(5) also requires annual (or more frequent) approval of R.S. 2477 plans, however the 2023 and 2024 plans were both signed by the Lieutenant Governor in January of 2023, and there was no plan approved in 2022.

Recommendation: The legislature should consider a different oversight policy for R.S. 2477 litigation and road adjudication, as the current format is not being implemented as designed.

Note: requires statute change/bill file to be opened.

4) Line Item Performance Measures

Current performance measures for PLPCO attempt to capture external customer service and timeliness. However, one of the metrics have not been reported consistently, which indicates it is not a measure the office is using to gauge its success in carrying out their mission. In 2009, the Legislative Auditor General released 'A Performance Audit of the Public Lands Policy Coordinating Office'. Chapter two recommended that the Office improve performance measures. The same chapter also recommended that the office base measures on a strategic plan.

The [2024 Strategic Plan](#) for the Department of Natural Resources includes goals for the Public Lands Policy Coordinating Office which could offer potential metrics that relate to the Office's mission.

Recommendation: The Office should work with the Governor's Office and the Legislature to improve line item performance measures based on the 2024 strategic plan that demonstrate the Office's value to the state and provide accountability.

Agency Response: The Office supports this recommendation and has provided feedback for each of the suggested measures.

5) Appropriation Units

The Office's entire budget is contained in a line item without further refinements of expenditure. This makes it difficult to understand how the office has expended funds for ongoing projects over time and to what extent funding supports the office directly.

Recommendation: To increase transparency and improve reporting, the Legislature should create appropriation units in the PLPCO line item that reflect the programs administered and pass through funding supported.

Agency Response: We feel having additional appropriation units may not be necessary, but we would not object to implementing more. In conjunction with the DNR Finance Director, who is now overseeing our budget and accounting, we have made several accounting changes to track our costs better, which we started on July 1, 2024 (FY25). These changes will facilitate budget tracking for the LFA and legislature when requested, or even by the LFA themselves if they query the database.

We have separated the units into the following functional areas:

- PLPCO Administration
- PLPCO Attorneys



- GIS Program
- AG Attorneys
- Planning

In addition, we have set up other accounting codes to track work on:

- RS2477 Roads
- Monuments
- Travel Management Plans
- Endangered Species Act

More codes can be generated for tracking other tasks we may be assigned in the future.

Finally, we are tracking all one-time funding expenses with codes for projects from special appropriations (Monroe Mountain, Provo Canyon, Grand Staircase, etc.). We appreciate the help the DNR Administration has given us to strengthen our accounting procedures. We do feel like the recent changes will satisfy this recommendation moving forward and will result in increased transparency and better information availability.

6) Finance Manager

Until FY 2023, the Office has employed a Finance Manager at .75 FTE. PLPCO has been employing assistance from the Department of Natural Resources Finance manager since that position has been vacant. In addition to the Department finance manager already having full-time responsibilities, PLPCO's budget shows room for improvement in the areas of performance measurement and reporting. The office also has lapsed between \$131,700-\$982,400 from FY 2019-2023, which indicates they have room in their budget to hire this essential position.

A full-time finance manager should oversee pass-through funding contracts, ensure performance measures are useful and reported annually, oversee budget adjustments to avoid lapsing balances, adherence to statutory requirements, and provide necessary administrative support to the office. A finance manager who is separate from the Office's operations and contract negotiations also plays an important role in budget controls.

Recommendation: The Office should reallocate funding within the existing operating and capital budget to hire a full-time finance manager.

Agency Response: Before PLPCO was part of DNR, the Governor's Office did all the accounting and budgeting for our line item. A past PLPCO director needed some additional help and hired a part-time Finance Manager to work $\frac{3}{4}$ -time. PLPCO was integrated into DNR (July 2022) to gain some efficiencies and enhance internal coordination. One potential source of savings identified by PLPCO in conjunction with GOPB was having the DNR Administration help with finances. Furthermore, the DNR Administration felt they had the necessary people who were willing to help do the accounting and budgeting for PLPCO's line item.

Last fiscal year, PLPCO's Finance Manager retired. Since his retirement, the DNR Administration has fully taken over accounting and budgeting for PLPCO. With the DNR Administration's help, we have made some substantial changes starting this fiscal year to help us better account for



and track our expenses, and have recently discussed those changes with the LFA. We feel this arrangement works well for PLPCO.

The LFA indicated we may have funding in our budget to hire a new finance manager since we have lapsed funds between 2019-2023. However, the FY24 closing contained no lapsed funds. As a result, PLPCO is undergoing personnel restructuring in FY25 to prevent overspending in FY25 and beyond.

It is PLPCO's opinion that hiring a new full-time Finance Manager is unnecessary for the size of our office and budget. We propose that we instead hire a full-time finance technician (or something similar) who can perform accounting and budget duties under the guidance of DNR Administration accountants, as well as office manager tasks.

7) Internal Audits

Prior to FY 2022, the Public Lands Policy Coordinating Office was a part of the Governor's Office. Neither the Department of Natural Resources nor the Governor's Office was able to produce an internal audit report that involved PLPCO. UCA [63I-5-201](#), which describes internal audit programs for state agencies, requires DNR to "conduct various types of auditing procedures as determined by the agency head or governor."

Recommendation: Include PLPCO in the regularly occurring internal audits conducted by the Department of Natural Resources.

Agency Response: PLPCO is willing and interested in requesting an internal audit by the Department of Natural Resources (DNR) and being part of the rotation for the regularly occurring audits.

8. Statutorily Required Reports

UCA 63J-1-903(11) and UCA 63J-1-602(4) require that agencies included in the Accountable Budget Process complete a report detailing an expenditure plan for all nonlapsing balances, evaluation of statutory nonlapsing authority (if any) and why this authority is still appropriate, and a report detailing an evaluation of your line item performance measures, internal budget process, and budget controls. Those submitted reports are attached.

Lacey Moore

From: Dillon Hoyt <dillonhoyt@utah.gov>
Sent: Monday, September 16, 2024 8:37 PM
To: Lacey Moore
Cc: Ivan Djambov; Roger Lewis
Subject: Re: Accountable Budget Process reports

Lacey Moore,

I've responded to your request in this email thread.

Please let me know if you need more clarification or information.

Thank you,

Dillon Hoyt

1. The expenditure plan for non-lapsing PLPCO balances through FY24 is as follows;

\$191,877 - Wild Horse and Burro: We have made substantial progress in the wild horse and burro arena with this funding. PLPCO will continue to promote better management and policy, attend summits, and engage in other wild horse and burro-related activities with this funding. PLPCO recently entered into a new five-year contract with Utah State University which is helping to guide better stewardship through the FREES Network.

\$567,104 - Protection of Public Lands: This funding was the remainder of the \$5,000,000 appropriation for FY22 that was not swept into House Bill 3002 (June 2024). These funds have been used to satisfy expenditures related to the contracts that PLPCO had in place with 3rd party contractors before the passing of House Bill 3002. PLPCO will utilize all of this appropriation in FY25.

\$307,582 - Resource Management Plans: PLPCO has been using this funding to help counties with updates to the county resource management plans and the state resource management plan. PLPCO has hired a new Resource Management Plan Project Manager who will be reaching out to all the counties to determine what assistance they will be requiring in FY25. This funding is also used to fund the PLPCO contract with Bio-West for research and related planning services.

\$68,984 - Monroe Mountain: PLPCO needs to hold on to this funding to support research required by anticipated litigation.

\$500,000 - Grand Staircase Rangeland: The original 3rd party consultant that was hired by Garfield County did not work out and a new contractor has been hired to complete this project. This study is currently underway and will take a few years to complete.

\$225,000 - Provo Canyon Resource Management Plan: PLPCO is working with Utah and Wasatch Counties to complete this plan. The Utah County Commissioner who was leading this effort got very sick and resigned, which caused a delay in initiating the project. However, the two counties and PLPCO have entered into a contract and the project is moving forward. PLPCO has requested a 1-year extension to the sunset date for this funding source.

1a. PLPCO does not have any statutory non-lapsing authority that I am aware of.

2. Percent of legal filings submitted on time = 100%; Percent of Counties with favorable review of PLPCO interactions = 100%; Percent of agencies with a favorable review of PLPCO interactions = 100%

PLPCO has recommended new performance measures as part of the accountable budget report submitted on August 14th. We are looking forward to working with the LFA to refine PLPCO's performance measures.

PLPCO follows State and DNR policies to control spending and make sure it is accounted for properly. PLPCO recently changed our accounting structure to more accurately reflect functional cost centers to give stakeholders more accurate information. PLPCO will also be hiring a financial analyst by November 2024 to work at PLPCO with guidance from the DNR finance staff who are doing an excellent job helping PLPCO with the office's finances.

2a. PLPCO leadership met with the DNR internal auditor on September 16th to start this process.

2b. We are working with the Legislative Financial Analyst to develop better ways to evaluate performance measures. We should probably schedule an in-person meeting to refine these measures together as part of the accountable budget process.



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