

Effective 5/13/2014

11-51-103 Local jurisdiction related to federally managed land -- Written notice -- Mitigation action.

- (1)
 - (a) The authority of a chief executive officer of a political subdivision or county sheriff to exercise jurisdiction on federally managed land, a national monument, or a national recreation area in the state that is wholly or partially situated within a political subdivision includes the following:
 - (i) if the action or inaction of a federal agency related to federally managed land, a national monument, or a national recreation area threatens to adversely affect the health, safety, or welfare of the people of the political subdivision, the chief executive officer or county sheriff may, after consulting with the attorney general, provide written notice to the federal agency, which notice shall:
 - (ii) be delivered to the federal agency by hand or by certified mail and a copy provided by certified mail to the governor, the attorney general, and the state's congressional delegation;
 - (iii) include a detailed explanation of how the action or inaction of the federal agency related to federally managed land, a national monument, or a national recreation area threatens to adversely affect the health, safety, or welfare of the people of the political subdivision;
 - (iv) include a detailed description of the action the federal agency should take to mitigate the risk to the health, safety, or welfare of the people of the political subdivision; and
 - (v) provide a specific date by which time the federal agency should respond to the notice; and
 - (b) if after receiving notice as described in Subsection (1)(a)(ii), the federal agency does not respond by the date requested in the notice, or otherwise indicates that it is unwilling to take action to mitigate the risk to the health, safety, or welfare of the people of the political subdivision described in the notice:
 - (i) the chief executive officer or county sheriff shall consult with the county attorney and attorney general; and
 - (ii) the attorney general shall send within 20 days of consulting with the chief executive officer or county sheriff a written notice to the federal agency stating what legal steps, if any, the attorney general will take to protect the people of the political subdivision from the threat to their health, safety, or welfare.
- (2)
 - (a) If an action or inaction of a federal agency related to federally managed land, a national monument, or a national recreation area constitutes an imminent threat to the health, safety, or welfare of the people of the political subdivision, the chief executive officer or county sheriff may, after consulting with the attorney general, provide written notice to the federal agency.
 - (b) The chief executive officer or county sheriff shall:
 - (i) deliver the notice described in Subsection (2)(a) to the federal agency in person or by certified mail;
 - (ii) provide a copy of the notice by certified mail to the governor, the attorney general, and the state's congressional delegation; and
 - (iii) include in the notice:
 - (A) a detailed explanation of how the federal agency's action or inaction constitutes an imminent threat to the health, safety, or welfare of the people of the political subdivision;
 - (B) a detailed description of the action that the federal agency should take to eliminate the imminent threat; and
 - (C) provide a specific date by which the federal agency should respond to the notice, either with action or by written communication.

- (3) If a federal agency does not respond, either with action or in written communication, to a notice described in Subsection (2)(b) by the date described in Subsection (2)(b)(iii)(C), or otherwise indicates that the agency is unwilling to take action, the chief executive officer or county sheriff may, after additional consultation with the county attorney and attorney general, take action and exercise necessary jurisdictional authority to mitigate the risk to the health, safety, or welfare of the people of the political subdivision.

Amended by Chapter 296, 2014 General Session