

63J-8-106 County supported federal land use designation proposed in proposed congressional land use legislation -- Process for legislative review of proposed federal legislation land use within a county.

- (1)
 - (a) Notwithstanding any other provision of this chapter, the Legislature may, in accordance with this section, recommend to the Utah congressional delegation proposed congressional land use legislation that is supported by a county.
 - (b) A county that fails to comply with the requirements of this section may not communicate or otherwise represent in any way that a federal land use designation contained in proposed congressional land use legislation has the support or approval of the Legislature.
- (2) If a county supports a federal land use designation contained in proposed congressional land use legislation, the county shall:
 - (a) prepare a report on the proposed congressional land use legislation in accordance with Subsection (3);
 - (b) draft a concurrent resolution for a legislative committee's consideration, in accordance with Subsection (7)(a), in support of the proposed congressional land use legislation; and
 - (c) subject to Subsection (4)(a), deliver the report and draft concurrent resolution to the office.
- (3) The report required in Subsection (2)(a) shall include:
 - (a) a copy of the proposed congressional land use legislation;
 - (b) a detailed description of the land or watercourse proposed for a federal land use designation, including:
 - (i) the total acres of federal land proposed for a federal land use designation;
 - (ii)
 - (A) a map showing the location of the land or watercourse; and
 - (B) the proposed type of federal land use designation for each location;
 - (iii) a proposed land conveyance or land proposed for auction by the BLM, if any; and
 - (iv)
 - (A) school and institutional trust land, as defined in Section 53C-1-103, proposed for a land exchange, if any; and
 - (B) whether the county has coordinated with SITLA on the proposed land exchange;
 - (c) an explanation of whether a federal land use designation will assist in resolving long-standing public lands issues, such as wilderness disputes, economic development, recreational use, and access to public lands;
 - (d) a narrative description of the economic, recreational, and cultural impacts, taken as a whole, on a county and the state that would occur if Congress adopted the proposed congressional land use legislation, including an impact on state revenues;
 - (e) an account of actions, if any, proposed in a federal land use designation to minimize impacts on:
 - (i) resource extraction activities occurring on the land or in the watercourse proposed for a federal land use designation, including mining and energy development; and
 - (ii) motorized recreational use and public access;
 - (f) a summary of potential benefits gained by the county and state if Congress adopts the proposed congressional land use legislation;
 - (g) a description of the stakeholders and their positions on a federal land use designation;
 - (h) whether land identified for a federal land use designation is BLM recommended wilderness;
 - (i) an explanation of what the proposed congressional land use legislation proposes for federal land located in the county other than land identified for the federal land use designation;
 - (j)

- (i) a description of the impact that, if adopted by Congress, the proposed congressional land use legislation would have on access to roads currently identified as part of an adopted county transportation plan as described in Section 63J-4-401; and
 - (ii) if a federal land use designation proposes to close a road described in Subsection (3)(j)(i), an explanation for the road closure and a copy of the minutes of any county public hearing in which the proposed road closures were discussed and public comment was taken;
 - (k)
 - (i) a description of a proposed resolution for an R.S. 2477 right-of-way, if any, located within the area identified in a federal land use designation; and
 - (ii) whether a proposed resolution described in Subsection (3)(k)(i) would include a quiet title action concerning an R.S. 2477 right-of-way;
 - (l) an explanation of whether a federal land use designation proposes a hard release of all public lands and watercourses not included in the federal land use designation, placing the land and watercourses in multiple use management;
 - (m) an explanation of whether a federal land use designation proposes a prohibition on further federal action under the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq.;
 - (n) a narrative description of a federal land use designation's interaction with, if any, a regional haze rule adopted by the United States Environmental Protection Agency;
 - (o) an explanation of whether a federal land use designation would authorize best management practices as part of an active effort to control on the land or watercourse proposed for a federal land use designation:
 - (i) wildfire;
 - (ii) invasive species, including insects; and
 - (iii) disease;
 - (p) if applicable, a statement as to whether a federal land use designation would allow for the continuation of existing grazing permits;
 - (q) a statement as to the presence or need of passive water management facilities or activities for livestock or wildlife, such as guzzlers or fencing, for the management of wildlife or livestock;
 - (r) if a federal land use designation identifies land that has oil, gas, or mineral deposits, an explanation as to why the federal land use designation includes the land;
 - (s)
 - (i) a statement as to whether a federal land use designation:
 - (A) affects land or a watercourse located exclusively within the county; or
 - (B) affects, whether by an actual federal land use designation or by implication if a federal land use designation is adopted, land or a watercourse located in another county; and
 - (ii) if the land use proposal would affect land or a watercourse located in another county, whether that county supports the proposed congressional land use legislation;
 - (t) an explanation of whether a proposed land use designation designates land as wilderness in the National Wilderness Preservation System or designates land as a national conservation area that is not part of:
 - (i) BLM recommended wilderness; or
 - (ii) Forest Service land recommended for wilderness designation in RARE II; and
 - (u) a statement explaining whether and to what extent members of Utah's congressional delegation and their staff were consulted in preparing the proposed congressional land use legislation and the federal land use designation contained therein.
- (4)

- (a) No later than 60 days before delivering a report and draft concurrent resolution in accordance with Subsection (2), a county shall contact and inform the office of the county's intention to prepare and deliver the report and draft concurrent resolution.
 - (b) The office may give general guidance to a county described in Subsection (4)(a), as requested, as to compliance with this section.
- (5) The office shall prepare an evaluation of the county's report, including whether the county has addressed each matter described in Subsection (3).
- (6) The office shall deliver the evaluation described in Subsection (5), including a copy of the county's report, the proposed congressional land use legislation, and the draft concurrent resolution, no later than 30 days after receiving the county's report:
- (a) if the Legislature is not in session, and subject to Subsection (6)(b), to the chair of the Natural Resources, Agriculture, and Environment Interim Committee; or
 - (b) if the Legislature is in session or there are no scheduled meetings of the Natural Resources, Agriculture, and Environment Interim Committee before the beginning of the next legislative session, to the chair of either the House Natural Resources, Agriculture, and Environment Committee or the Senate Natural Resources, Agriculture, and Environment Committee.
- (7)
- (a) At a committee's next scheduled meeting after receiving a report, the draft concurrent resolution, and a copy of the proposed congressional land use legislation, the committee shall:
 - (i) review:
 - (A) the county's report;
 - (B) the draft concurrent resolution, if the concurrent resolution has a legislative sponsor; and
 - (C) the office's evaluation;
 - (ii) if the draft concurrent resolution is presented to the committee, consider whether to approve or reject the draft concurrent resolution;
 - (iii) if the draft concurrent resolution is rejected, provide direction to the county as to the reasons the resolution was rejected and the actions that the county might take to secure committee approval of the resolution; and
 - (iv) take any additional action the committee finds necessary.
 - (b) A legislative committee may not accept for review a county-supported federal land use designation contained in proposed congressional land use legislation that does not meet the requirements of this section.
- (8)
- (a) If the committee rejects the draft concurrent resolution, a county may resubmit a revised report and draft concurrent resolution to the office in accordance with the terms of this section.
 - (b) Upon receipt of a revised report and draft concurrent resolution, the office shall comply with the procedures set forth in this section.
 - (c) Upon receipt of a revised report, evaluation, and draft concurrent resolution by the office, a committee described in Subsection (6) shall comply with the procedures set forth in this section.
- (9) The governor may call a special session to consider the concurrent resolution presented to and approved by a committee described in Subsection (7)(a).
- (10) If a concurrent resolution described in this section is adopted by the Legislature and signed by the governor, the Office of the Governor shall forward a copy of the concurrent resolution, the county's report, and the proposed congressional land use legislation to Utah's congressional delegation.

Repealed and Re-enacted by Chapter 165, 2012 General Session