

Effective 7/1/2021

**Chapter 11
Public Lands Planning**

**Part 1
General Provisions**

63L-11-101 Title.

This chapter is known as "Public Lands Planning."

Enacted by Chapter 382, 2021 General Session

63L-11-102 Definitions.

As used in this chapter:

- (1) "Coordinating committee" means the committee created in Section 63L-11-401.
- (2) "Executive director" means the public lands policy executive director appointed under Section 63L-11-201.
- (3) "Office" means the Public Lands Policy Coordinating Office created in Section 63L-11-201.
- (4) "Political subdivision" means:
 - (a) a county, municipality, special district, special service district, school district, or interlocal entity, as defined in Section 11-13-103; or
 - (b) an administrative subunit of an entity listed in Subsection (4)(a).

Amended by Chapter 16, 2023 General Session

63L-11-103 Interrelationship with other law.

- (1) Notwithstanding any provision of Section 63J-8-105.5, the state is committed to establishing and administering an effective statewide conservation strategy for greater sage grouse.
- (2) Nothing in this chapter may be construed to restrict or supersede the planning powers conferred upon departments, agencies, instrumentalities, or advisory councils of the state or the planning powers conferred upon political subdivisions by any other existing law.
- (3) Nothing in this chapter may be construed to affect any lands withdrawn from the public domain for military purposes to be administered by the United States Army, Air Force, or Navy.

Enacted by Chapter 382, 2021 General Session

**Part 2
Public Lands Policy Coordinating Office**

63L-11-201 Public Lands Policy Coordinating Office -- Executive director -- Appointment -- Qualifications -- Compensation.

- (1) There is created within the Department of Natural Resources the Public Lands Policy Coordinating Office to be administered by an executive director.
- (2) The executive director shall be appointed by the governor with the advice and consent of the Senate and shall serve at the pleasure of the governor.

- (3) The executive director shall have demonstrated the necessary administrative and professional ability through education and experience to efficiently and effectively manage the office's affairs.
- (4)
 - (a) The executive director and employees of the office shall receive compensation as provided in Title 63A, Chapter 17, Utah State Personnel Management Act.
 - (b) The office space for the executive director and employees of the office shall be in a building where the Department of Natural Resources is located.

Amended by Chapter 345, 2021 General Session

Renumbered and Amended by Chapter 382, 2021 General Session

63L-11-202 Powers and duties of the office and executive director.

- (1) The office shall:
 - (a) make a report to the Constitutional Defense Council created under Section 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter 4a, Constitutional and Federalism Defense Act;
 - (b) provide staff assistance to the Constitutional Defense Council created under Section 63C-4a-202 for meetings of the council;
 - (c)
 - (i) prepare and submit a constitutional defense plan under Section 63C-4a-403; and
 - (ii) execute any action assigned in a constitutional defense plan;
 - (d) develop public lands policies by:
 - (i) developing cooperative contracts and agreements between the state, political subdivisions, and agencies of the federal government for involvement in the development of public lands policies;
 - (ii) producing research, documents, maps, studies, analysis, or other information that supports the state's participation in the development of public lands policy;
 - (iii) preparing comments to ensure that the positions of the state and political subdivisions are considered in the development of public lands policy; and
 - (iv) partnering with state agencies and political subdivisions in an effort to:
 - (A) prepare coordinated public lands policies;
 - (B) develop consistency reviews and responses to public lands policies;
 - (C) develop management plans that relate to public lands policies; and
 - (D) develop and maintain a statewide land use plan that is based on cooperation and in conjunction with political subdivisions;
 - (e) facilitate and coordinate the exchange of information, comments, and recommendations on public lands policies between and among:
 - (i) state agencies;
 - (ii) political subdivisions;
 - (iii) the Office of Rural Development created under Section 63N-4-102;
 - (iv) the coordinating committee;
 - (v) School and Institutional Trust Lands Administration created under Section 53C-1-201;
 - (vi) the committee created under Section 63A-16-507 to award grants to counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
 - (vii) the Constitutional Defense Council created under Section 63C-4a-202;
 - (f) perform the duties established in Title 9, Chapter 8a, Part 3, Antiquities, and Title 9, Chapter 8a, Part 4, Historic Sites;

- (g) consistent with other statutory duties, encourage agencies to responsibly preserve archaeological resources;
 - (h) maintain information concerning grants made under Subsection (1)(j), if available;
 - (i) report annually, or more often if necessary or requested, concerning the office's activities and expenditures to:
 - (i) the Constitutional Defense Council; and
 - (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly with the Constitutional Defense Council;
 - (j) make grants of up to 16% of the office's total annual appropriations from the Constitutional Defense Restricted Account to a county or statewide association of counties to be used by the county or association of counties for public lands matters if the executive director, with the advice of the Constitutional Defense Council, determines that the action provides a state benefit;
 - (k) provide staff services to the Snake Valley Aquifer Advisory Council created in Section 63C-12-103;
 - (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section 63C-12-107;
 - (m) conduct the public lands transfer study and economic analysis required by Section 63L-11-304; and
 - (n) fulfill the duties described in Section 63L-10-103.
- (2) The executive director shall comply with Subsection 63C-4a-203(8) before submitting a comment to a federal agency, if the governor would be subject to Subsection 63C-4a-203(8) in submitting the comment.
- (3) The office may enter into an agreement with another state agency to provide information and services related to:
- (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;
 - (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification Act, or R.S. 2477 matters; or
 - (c) any other matter within the office's responsibility.
- (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:
- (a) the Department of Natural Resources;
 - (b) the Department of Agriculture and Food;
 - (c) the Department of Environmental Quality;
 - (d) other applicable state agencies;
 - (e) political subdivisions of the state;
 - (f) federal land management agencies; and
 - (g) elected officials.

Amended by Chapter 160, 2023 General Session

63L-11-203 Resource management plan administration.

- (1) The office shall consult with the Federalism Commission before expending funds appropriated by the Legislature for the implementation of this section.
- (2) To the extent that the Legislature appropriates sufficient funding, the office may procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to assist the office with the office's responsibilities described in Subsection (3).
- (3) The office shall:
 - (a) assist each county with the creation of the county's resource management plan by:

- (i) consulting with the county on policy and legal issues related to the county's resource management plan; and
- (ii) helping the county ensure that the county's resource management plan meets the requirements of Subsection 17-27a-401(3);
- (b) promote quality standards among all counties' resource management plans; and
- (c) upon submission by a county, review and verify the county's:
 - (i) estimated cost for creating a resource management plan; and
 - (ii) actual cost for creating a resource management plan.
- (4)
 - (a) A county shall cooperate with the office, or an entity procured by the office under Subsection (2), with regards to the office's responsibilities under Subsection (3).
 - (b) To the extent that the Legislature appropriates sufficient funding, the office may, in accordance with Subsection (4)(c), provide funding to a county before the county completes a resource management plan.
 - (c) The office may provide pre-completion funding described in Subsection (4)(b):
 - (i) after:
 - (A) the county submits an estimated cost for completing the resource management plan to the office; and
 - (B) the office reviews and verifies the estimated cost in accordance with Subsection (3)(c)(i); and
 - (ii) in an amount up to:
 - (A) 50% of the estimated cost of completing the resource management plan, verified by the office; or
 - (B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.
 - (d) To the extent that the Legislature appropriates sufficient funding, the office shall provide funding to a county in the amount described in Subsection (4)(e) after:
 - (i) a county's resource management plan:
 - (A) meets the requirements described in Subsection 17-27a-401(3); and
 - (B) is adopted under Subsection 17-27a-404(5)(d);
 - (ii) the county submits the actual cost of completing the resource management plan to the office; and
 - (iii) the office reviews and verifies the actual cost in accordance with Subsection (3)(c)(ii).
 - (e) The office shall provide funding to a county under Subsection (4)(d) in an amount equal to the difference between:
 - (i) the lesser of:
 - (A) the actual cost of completing the resource management plan, verified by the office; or
 - (B) \$50,000; and
 - (ii) the amount of any pre-completion funding that the county received under Subsections (4)(b) and (c).
- (5) To the extent that the Legislature appropriates sufficient funding, after the deadline established in Subsection 17-27a-404(5)(d) for a county to adopt a resource management plan, the office shall:
 - (a) obtain a copy of each county's resource management plan;
 - (b) create a statewide resource management plan that:
 - (i) meets the same requirements described in Subsection 17-27a-401(3); and
 - (ii) to the extent reasonably possible, coordinates and is consistent with any resource management plan or land use plan established under Title 63J, Chapter 8, State of Utah Resource Management Plan for Federal Lands; and

- (c) submit a copy of the statewide resource management plan to the Federalism Commission for review.
- (6) Following review of the statewide resource management plan, the Federalism Commission shall prepare a concurrent resolution approving the statewide resource management plan for consideration during the 2018 General Session.
- (7) To the extent that the Legislature appropriates sufficient funding, the office shall provide legal support to a county that becomes involved in litigation with the federal government over the requirements of Subsection 17-27a-405(3).
- (8) After the statewide resource management plan is approved, as described in Subsection (6), and to the extent that the Legislature appropriates sufficient funding, the office shall monitor the implementation of the statewide resource management plan at the federal, state, and local levels.

Amended by Chapter 274, 2022 General Session

63L-11-204 Canyon resource management plan.

- (1) As used in this section:
 - (a) "Canyon" means Provo Canyon, located within Utah County and Wasatch County.
 - (b) "County" means Utah County or Wasatch County.
 - (c) "Interlocal agreement" means an agreement made between one or more political subdivisions.
 - (d) "Office" means the Public Lands Policy Coordinating Office.
 - (e) "Plan" means a canyon resource management plan described in Subsection (2).
 - (f) "Political subdivision" means a county, city, town, or special district.
- (2) In accordance with this section:
 - (a) the office, upon request from a county or through an interlocal agreement, shall coordinate with the county to assist with the creation of a canyon resource management plan for the canyon; and
 - (b) the office may provide a portion of the funds necessary to create the plan as appropriated by the Legislature.
- (3) The plan shall:
 - (a) inventory the recreation assets, resources, and opportunities in the canyon;
 - (b) identify risks to recreation and options to mitigate those risks;
 - (c) identify and prioritize the present and future recreational needs of the canyon; and
 - (d) for each need identified under Subsection (3)(c):
 - (i) establish defined objectives; and
 - (ii) outline general policies and guidelines for how the objectives described in Subsection (3)(d)(i) may be accomplished, including policies to incentivize stakeholders' participation in accomplishing the objectives.
- (4) The county may prepare the plan in a format that may be used as a template for the creation of other canyon recreation and resource management plans.
- (5) To prepare the plan the county may:
 - (a) utilize data and information prepared for the statewide resource management plan described in Section 63L-10-101, a county resource management plan described in Section 63L-11-203, a comprehensive plan for the outdoor recreation resources of the state described in Section 79-7-302, or other state or local plans or policies;
 - (b) request the reasonable assistance of an agency, department, division, institution, or official of the state; or

- (c) coordinate with the canyon's stakeholders, including:
 - (i) political subdivisions whose geographic boundaries include or abut the canyon;
 - (ii) owners of private property or water rights in the canyon;
 - (iii) federal agencies that manage property in the canyon; or
 - (iv) any state agency, department, division, or institution that owns or manages land in the canyon.
- (6) An agency, department, division, institution, or official of the state shall provide reasonable assistance to the office upon the office's request under Subsection (5)(b).

Enacted by Chapter 104, 2023 General Session

Part 3

Office Duties Related to Federal Land

63L-11-301 Office duties relating to plans for the management of federal land.

- (1)
 - (a) In preparing or assisting in the preparation of plans, policies, programs, or processes related to the management or use of federal land or natural resources on federal land in the state, the office shall:
 - (i) incorporate the plans, policies, programs, processes, and desired outcomes of the counties where the federal lands or natural resources are located, to the maximum extent consistent with state and federal law, subject to Subsection (1)(b);
 - (ii) identify inconsistencies or conflicts between the plans, policies, programs, processes, and desired outcomes prepared under Subsection (1)(a)(i) and the plans, programs, processes, and desired outcomes of local government as early in the preparation process as possible, and seek resolution of the inconsistencies through meetings or other conflict resolution mechanisms involving the necessary and immediate parties to the inconsistency or conflict;
 - (iii) present to the governor the nature and scope of any inconsistency or other conflict that is not resolved under the procedures in Subsection (1)(a)(ii) for the governor's decision about the position of the state concerning the inconsistency or conflict;
 - (iv) develop, research, and use factual information, legal analysis, and statements of desired future condition for the state, or subregion of the state, as necessary to support the plans, policies, programs, processes, and desired outcomes of the state and the counties where the federal lands or natural resources are located;
 - (v) establish and coordinate agreements between the state and federal land management agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to facilitate state and local participation in the development, revision, and implementation of land use plans, guidelines, regulations, other instructional memoranda, or similar documents proposed or promulgated for lands and natural resources administered by federal agencies; and
 - (vi) work in conjunction with political subdivisions to establish agreements with federal land management agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to provide a process for state and local participation in the preparation of, or coordinated state and local response to, environmental impact analysis documents and similar documents prepared pursuant to law by state or federal agencies.

- (b) The requirement in Subsection (1)(a)(i) may not be interpreted to infringe upon the authority of the governor.
- (2) The office shall cooperate with and work in conjunction with appropriate state agencies and political subdivisions to develop policies, plans, programs, processes, and desired outcomes authorized by this section by coordinating the development of positions:
 - (a) through the coordinating committee;
 - (b) in conjunction with local government officials concerning general local government plans; and
 - (c) by soliciting public comment through the coordinating committee.

Amended by Chapter 274, 2022 General Session

63L-11-302 Principles to be recognized and promoted.

The office shall recognize and promote the following principles when preparing any policies, plans, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands under Section 63L-11-301:

- (1)
 - (a) the citizens of the state are best served by applying multiple-use and sustained-yield principles in public land use planning and management; and
 - (b) multiple-use and sustained-yield management means that federal agencies should develop and implement management plans and make other resource-use decisions that:
 - (i) achieve and maintain in perpetuity a high-level annual or regular periodic output of mineral and various renewable resources from public lands;
 - (ii) support valid existing transportation, mineral, and grazing privileges at the highest reasonably sustainable levels;
 - (iii) support the specific plans, programs, processes, and policies of state agencies and local governments;
 - (iv) are designed to produce and provide the desired vegetation for the watersheds, timber, food, fiber, livestock forage, wildlife forage, and minerals that are necessary to meet present needs and future economic growth and community expansion without permanent impairment of the productivity of the land;
 - (v) meet the recreational needs and the personal and business-related transportation needs of the citizens of the state by providing access throughout the state;
 - (vi) meet the recreational needs of the citizens of the state;
 - (vii) meet the needs of wildlife;
 - (viii) provide for the preservation of cultural resources, both historical and archaeological;
 - (ix) meet the needs of economic development;
 - (x) meet the needs of community development; and
 - (xi) provide for the protection of water rights;
- (2) managing public lands for wilderness characteristics circumvents the statutory wilderness process and is inconsistent with the multiple-use and sustained-yield management standard that applies to all Bureau of Land Management and United States. Forest Service lands that are not wilderness areas or wilderness study areas;
- (3) all waters of the state are:
 - (a) owned exclusively by the state in trust for the state's citizens;
 - (b) are subject to appropriation for beneficial use; and
 - (c) are essential to the future prosperity of the state and the quality of life within the state;
- (4) the state has the right to develop and use the state's entitlement to interstate rivers;

- (5) all water rights desired by the federal government must be obtained through the state water appropriation system;
- (6) land management and resource-use decisions which affect federal lands should give priority to and support the purposes of the compact between the state and the United States related to school and institutional trust lands;
- (7) development of the solid, fluid, and gaseous mineral resources of the state is an important part of the economy of the state, and of local regions within the state;
- (8) the state should foster and support industries that take advantage of the state's outstanding opportunities for outdoor recreation;
- (9) wildlife constitutes an important resource and provides recreational and economic opportunities for the state's citizens;
- (10) proper stewardship of the land and natural resources is necessary to ensure the health of the watersheds, timber, forage, and wildlife resources to provide for a continuous supply of resources for the people of the state and the people of the local communities who depend on these resources for a sustainable economy;
- (11) forests, rangelands, timber, and other vegetative resources:
 - (a) provide forage for livestock;
 - (b) provide forage and habitat for wildlife;
 - (c) provide resources for the state's timber and logging industries;
 - (d) contribute to the state's economic stability and growth; and
 - (e) are important for a wide variety of recreational pursuits;
- (12) management programs and initiatives that improve watersheds and forests and increase forage for the mutual benefit of wildlife species and livestock, logging, and other agricultural industries by utilizing proven techniques and tools are vital to the state's economy and the quality of life in the state; and
- (13)
 - (a) land management plans, programs, and initiatives should provide that the amount of domestic livestock forage, expressed in animal unit months, for permitted, active use as well as the wildlife forage included in that amount, be no less than the maximum number of animal unit months sustainable by range conditions in grazing allotments and districts, based on an on-the-ground and scientific analysis;
 - (b) the state opposes the relinquishment or retirement of grazing animal unit months in favor of conservation, wildlife, and other uses;
 - (c)
 - (i) the state favors the best management practices that are jointly sponsored by cattlemen, sportsmen, and wildlife management groups such as chaining, logging, seeding, burning, and other direct soil and vegetation prescriptions that are demonstrated to restore forest and rangeland health, increase forage, and improve watersheds in grazing districts and allotments for the benefit of domestic livestock and wildlife;
 - (ii) when practices described in Subsection (13)(c)(i) increase a grazing allotment's forage beyond the total permitted forage use that was allocated to that allotment in the last federal land use plan or allotment management plan still in existence as of January 1, 2005, a reasonable and fair portion of the increase in forage beyond the previously allocated total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced committee of livestock and wildlife representatives that is appointed and constituted by the governor for that purpose; and
 - (iii) the state favors quickly and effectively adjusting wildlife population goals and population census numbers in response to variations in the amount of available forage caused by

drought or other climatic adjustments, and state agencies responsible for managing wildlife population goals and population census numbers will, when making those adjustments, give due regard to both the needs of the livestock industry and the need to prevent the decline of species to a point of listing under the terms of the Endangered Species Act;

- (d) the state opposes the transfer of grazing animal unit months to wildlife for supposed reasons of rangeland health;
- (e) reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions;
- (f) policies, plans, programs, initiatives, resource management plans, and forest plans may not allow the placement of grazing animal unit months in a suspended use category unless there is a rational and scientific determination that the condition of the rangeland allotment or district in question will not sustain the animal unit months sought to be placed in suspended use;
- (g) any grazing animal unit months that are placed in a suspended use category should be returned to active use when range conditions improve;
- (h) policies, plans, programs, and initiatives related to vegetation management should recognize and uphold the preference for domestic grazing over alternate forage uses in established grazing districts while upholding management practices that optimize and expand forage for grazing and wildlife in conjunction with state wildlife management plans and programs in order to provide maximum available forage for all uses; and
- (i) in established grazing districts, animal unit months that have been reduced due to rangeland health concerns should be restored to livestock when rangeland conditions improve, and should not be converted to wildlife use.

Enacted by Chapter 382, 2021 General Session

63L-11-303 Findings to be recognized and promoted.

The office shall recognize and promote the following findings in the preparation of any policies, plans, programs, processes, or desired outcomes under Section 63L-11-301 relating to federal lands and natural resources on federal lands:

- (1) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports the state's recognition by the federal government and the public use of R.S. 2477 rights-of-way and urges the federal government to fully recognize the rights-of-way and their use by the public as expeditiously as possible;
- (2) it is the policy of the state to use reasonable administrative and legal measures to protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way are not recognized or are impaired;
- (3) transportation and access routes to and across federal lands, including all rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life in the state, and must provide, at a minimum, a network of roads throughout the resource planning area that provides for:
 - (a) movement of people, goods, and services across public lands;
 - (b) reasonable access to a broad range of resources and opportunities throughout the resource planning area, including:
 - (i) livestock operations and improvements;
 - (ii) solid, fluid, and gaseous mineral operations;
 - (iii) recreational opportunities and operations, including motorized and nonmotorized recreation;

- (iv) search and rescue needs;
- (v) public safety needs; and
- (vi) access for transportation of wood products to market;
- (c) access to federal lands for people with disabilities and the elderly; and
- (d) access to state lands and school and institutional trust lands to accomplish the purposes of those lands;
- (4) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:
 - (a) it is clearly demonstrated that water is present and flowing at all times;
 - (b) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed;
 - (c) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county or counties where the river segment is located as those plans and policies are developed according to Subsection (3);
 - (d) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
 - (e) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;
 - (f) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed;
 - (g) it is clearly demonstrated that the federal agency that has management authority over the river segment and that is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;
 - (h) it is clearly demonstrated that the federal land and resource management plan containing a recommendation for inclusion in the National Wild and Scenic River System:
 - (i) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;
 - (ii) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;
 - (iii) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and
 - (iv) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment;
 - (i) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or II management prescriptions that do not comply with the provisions of Subsection (24); and
 - (j) it is clearly demonstrated that including the river segment and the terms and conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:

- (i) the enjoyment of the state and the state's citizens of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or
 - (ii) local, state, regional, or interstate water compacts to which the state or any county is a party;
- (5) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress;
- (6) the state's support for designation of an Area of Critical Environmental Concern (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be withheld until:
- (a) it is clearly demonstrated that the proposed area satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1702(a);
 - (b) it is clearly demonstrated that:
 - (i) the area proposed for designation as an ACEC is limited in geographic size; and
 - (ii) the proposed management prescriptions are limited in scope to the minimum necessary to specifically protect and prevent irreparable damage to the relevant and important values identified, or limited in geographic size and management prescriptions to the minimum required to specifically protect human life or safety from natural hazards;
 - (c) it is clearly demonstrated that the proposed area is limited only to areas that are already developed or used or to areas where no development is required;
 - (d) it is clearly demonstrated that the proposed area contains relevant and important historic, cultural or scenic values, fish or wildlife resources, or natural processes which are unique or substantially significant on a regional basis, or contain natural hazards which significantly threaten human life or safety;
 - (e) the federal agency has analyzed regional values, resources, processes, or hazards for irreparable damage and potential causes of the damage resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and the analysis describes the rationale for any special management attention required to protect, or prevent irreparable damage to, the values, resources, processes, or hazards;
 - (f) it is clearly demonstrated that the proposed designation is consistent with the plans and policies of the state and of the county where the proposed designation is located as those plans and policies are developed according to Subsection (3);
 - (g) it is clearly demonstrated that the proposed ACEC designation will not be applied redundantly over existing protections provided by other state and federal laws for federal lands or resources on federal lands, and that the federal statutory requirement for special management attention for a proposed ACEC will discuss and justify any management requirements needed in addition to those specified by the other state and federal laws;
 - (h) the difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and any determination of irreparable damage has been analyzed and justified for short-term and long-term horizons;
 - (i) it is clearly demonstrated that the proposed designation:
 - (i) is not a substitute for a wilderness suitability recommendation;
 - (ii) is not a substitute for managing areas inventoried for wilderness characteristics after 1993 under the Bureau of Land Management interim management plan for valid wilderness study areas; and
 - (iii) it is not an excuse or justification to apply de facto wilderness management standards; and

- (j) the conclusions of all studies are submitted to the state, as a cooperating agency, for review, and the results, in support of or in opposition to, are included in all planning documents;
- (7) sufficient federal lands are made available for government-to-government exchanges of school and institutional trust lands and federal lands without regard for a resource-to-resource correspondence between the surface or mineral characteristics of the offered trust lands and the offered federal lands;
- (8) federal agencies should support government-to-government exchanges of land with the state based on a fair process of valuation which meets the fiduciary obligations of both the state and federal governments toward trust lands management, and which assures that revenue authorized by federal statute to the state from mineral or timber production, present or future, is not diminished in any manner during valuation, negotiation, or implementation processes;
- (9) agricultural and grazing lands should continue to produce the food and fiber needed by the citizens of the state and the nation, and the rural character and open landscape of rural Utah should be preserved through a healthy and active agricultural and grazing industry, consistent with private property rights and state fiduciary duties;
- (10)
 - (a) the resources of the forests and rangelands of the state should be integrated as part of viable, robust, and sustainable state and local economies;
 - (b) available forage should be evaluated for the full complement of herbivores the rangelands can support in a sustainable manner;
 - (c) forests should contain a diversity of timber species; and
 - (d) disease or insect infestations in forests should be controlled using logging or other best management practices;
- (11) the state opposes any additional evaluation of national forest service lands as roadless or unroaded beyond the forest service's second roadless area review evaluation and opposes efforts by agencies to specially manage those areas in a way that:
 - (a) closes or declassifies existing roads unless multiple side-by-side roads exist running to the same destination and state and local governments consent to close or declassify the extra roads;
 - (b) permanently bars travel on existing roads;
 - (c) excludes or diminishes traditional multiple-use activities, including grazing and proper forest harvesting;
 - (d) interferes with the enjoyment and use of valid, existing rights, including water rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral leasing rights; or
 - (e) prohibits development of additional roads reasonably necessary to pursue traditional multiple-use activities;
- (12) the state's support for any forest plan revision or amendment will be withheld until the appropriate plan revision or plan amendment clearly demonstrates that:
 - (a) established roads are not referred to as unclassified roads or a similar classification;
 - (b) lands in the vicinity of established roads are managed under the multiple-use, sustained-yield management standard; and
 - (c) no roadless or unroaded evaluations or inventories are recognized or upheld beyond those that were recognized or upheld in the forest service's second roadless area review evaluation;
- (13) the state's support for any recommendations made under the statutory requirement to examine the wilderness option during the revision of land and resource management plans by the United States Forest Service will be withheld until it is clearly demonstrated that:

- (a) the duly adopted transportation plans of the state and each county within the planning area are fully and completely incorporated into the baseline inventory of information from which plan provisions are derived;
 - (b) valid state or local roads and rights-of-way are recognized and not impaired in any way by the recommendations;
 - (c) the development of mineral resources by underground mining is not affected by the recommendations;
 - (d) the need for additional administrative or public roads necessary for the full use of the various multiple uses, including recreation, mineral exploration and development, forest health activities, and grazing operations, is not unduly affected by the recommendations;
 - (e) analysis and full disclosure are made concerning the balance of multiple-use management in the proposed areas, and that the analysis compares the full benefit of multiple-use management to the recreational, forest health, and economic needs of the state and the counties to the benefits of the requirements of wilderness management; and
 - (f) the conclusions of all studies related to the requirement to examine the wilderness option are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals that are forwarded to the United States Congress;
- (14) the invasion of noxious weeds and undesirable invasive plant species into the state should be reversed, their presence eliminated, and their return prevented;
- (15) management and resource-use decisions by federal land management and regulatory agencies concerning the vegetative resources within the state should reflect serious consideration of the proper optimization of the yield of water within the watersheds of the state;
- (16) it is the policy of the state that:
- (a) mineral and energy production and environmental protection are not mutually exclusive;
 - (b) it is technically feasible to permit appropriate access to mineral and energy resources while preserving nonmineral and nonenergy resources;
 - (c) resource management planning should seriously consider all available mineral and energy resources;
 - (d) the development of the solid, fluid, and gaseous mineral resources of the state and the renewable resources of the state should be encouraged;
 - (e) the waste of fluid and gaseous minerals within developed areas should be prohibited; and
 - (f) requirements to mitigate or reclaim mineral development projects should be based on credible evidence of significant impacts to natural or cultural resources;
- (17) the state's support for mineral development provisions within federal land management plans will be withheld until the appropriate land management plan environmental impact statement clearly demonstrates:
- (a) that the authorized planning agency has:
 - (i) considered and evaluated the mineral and energy potential in all areas of the planning area as if the areas were open to mineral development under standard lease agreements; and
 - (ii) evaluated any management plan prescription for the plan's impact on the area's baseline mineral and energy potential;
 - (b) that the development provisions do not unduly restrict access to public lands for energy exploration and development;
 - (c) that the authorized planning agency has supported any closure of additional areas to mineral leasing and development or any increase of acres subject to no surface occupancy restrictions by adhering to:

- (i) the relevant provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;
- (ii) other controlling mineral development laws; and
- (iii) the controlling withdrawal and reporting procedures set forth in the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;
- (d) that the authorized planning agency evaluated whether to repeal any moratorium that may exist on the issuance of additional mining patents and oil and gas leases;
- (e) that the authorized planning agency analyzed all proposed mineral lease stipulations and considered adopting the least restrictive necessary to protect against damage to other significant resource values;
- (f) that the authorized planning agency evaluated mineral lease restrictions to determine whether to waive, modify, or make exceptions to the restrictions on the basis that they are no longer necessary or effective;
- (g) that the authorized federal agency analyzed all areas proposed for no surface occupancy restrictions, and that the analysis evaluated:
 - (i) whether directional drilling is economically feasible and ecologically necessary for each proposed no surface occupancy area;
 - (ii) whether the directional drilling feasibility analysis, or analysis of other management prescriptions, demonstrates that the proposed no surface occupancy prescription, in effect, sterilizes the mineral and energy resources beneath the area; and
 - (iii) whether, if the minerals are effectively sterilized, the area must be reported as withdrawn under the provisions of the Federal Land Policy and Management Act; and
- (h) that the authorized planning agency has evaluated all directional drilling requirements in no surface occupancy areas to determine whether directional drilling is feasible from an economic, ecological, and engineering standpoint;
- (18) motorized, human-powered, and animal-powered outdoor recreation should be integrated into a fair and balanced allocation of resources within the historical and cultural framework of multiple uses in rural areas of the state, and outdoor recreation should be supported as part of a balanced plan of state and local economic support and growth;
- (19) off-highway vehicles should be used responsibly, the management of off-highway vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway vehicles should be uniformly applied across all jurisdictions;
- (20)
 - (a) rights-of-way granted and vested under the provisions of R.S. 2477 should be preserved and acknowledged; and
 - (b) land use management plans, programs, and initiatives should be consistent with both state and county transportation plans developed according to Subsection (3) in order to provide a network of roads throughout the planning area that provides for:
 - (i) movement of people, goods, and services across public lands;
 - (ii) reasonable access to a broad range of resources and opportunities throughout the planning area, including access to livestock, water, and minerals;
 - (iii) economic and business needs;
 - (iv) public safety;
 - (v) search and rescue;
 - (vi) access for people with disabilities and the elderly;
 - (vii) access to state lands; and
 - (viii) recreational opportunities;

- (21) transportation and access provisions for all other existing routes, roads, and trails across federal, state, and school trust lands within the state should be determined and identified, and agreements should be executed and implemented, as necessary to fully authorize and determine responsibility for maintenance of all routes, roads, and trails;
- (22) the reasonable development of new routes and trails for motorized, human-powered, and animal-powered recreation should be implemented;
- (23)
 - (a) forests, rangelands, and watersheds, in a healthy condition, are necessary and beneficial for wildlife, livestock grazing, and other multiple uses;
 - (b) management programs and initiatives that are implemented to increase forage for the benefit of the agricultural industry, livestock operations, and wildlife species should utilize all proven techniques and tools;
 - (c) the continued viability of livestock operations and the livestock industry should be supported on the federal lands within the state by management of the lands and forage resources, by the proper optimization of animal unit months for livestock, in accordance with the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. Sec. 315 et seq., and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. Sec. 1901 et seq.;
 - (d) provisions for predator control initiatives or programs under the direction of state and local authorities should be implemented; and
 - (e) resource use and management decisions by federal land management and regulatory agencies should support state-sponsored initiatives or programs designed to stabilize wildlife populations that may be experiencing a scientifically demonstrated decline in those populations; and
- (24) management and resource use decisions by federal land management and regulatory agencies concerning the scenic resources of the state must balance the protection of scenery with the full management requirements of the other authorized uses of the land under multiple-use management, and should carefully consider using Visual Resource Management Class I protection only for areas of inventoried Class A scenery or equivalent.

Enacted by Chapter 382, 2021 General Session

63L-11-304 Public lands transfer study and economic analysis -- Report.

- (1) As used in this section:
 - (a) "Public lands" means the same as that term is defined in Section 63L-6-102.
 - (b) "Transfer of public lands" means the transfer of public lands from federal ownership to state ownership.
- (2) The office shall, on an ongoing basis, report to the Federalism Commission regarding the ramifications and economic impacts of the transfer of public lands.
- (3) The office shall:
 - (a) on an ongoing basis, discuss issues related to the transfer of public lands with:
 - (i) the School and Institutional Trust Lands Administration;
 - (ii) local governments;
 - (iii) water managers;
 - (iv) environmental advocates;
 - (v) outdoor recreation advocates;
 - (vi) nonconventional and renewable energy producers;
 - (vii) tourism representatives;

- (viii) wilderness advocates;
 - (ix) ranchers and agriculture advocates;
 - (x) oil, gas, and mining producers;
 - (xi) fishing, hunting, and other wildlife interests;
 - (xii) timber producers;
 - (xiii) other interested parties; and
 - (xiv) the Federalism Commission; and
- (b) develop ways to obtain input from citizens of the state regarding the transfer of public lands and the future care and use of public lands.

Renumbered and Amended by Chapter 382, 2021 General Session

63L-11-305 Facilitating the acquisition of federal land.

- (1) As used in this section:
- (a) "Federal land" means land that the secretary is authorized to dispose of under the federal land disposal law.
 - (b) "Federal land disposal law" means the Recreation and Public Purposes Act, 43 U.S.C. Sec. 869 et seq.
 - (c) "Government entity" means any state or local government entity allowed to submit a land application under the federal land disposal law.
 - (d) "Land application" means an application under the federal land disposal law requesting the secretary to sell or lease federal land.
 - (e) "Land application process" means the actions involved in the process of submitting and obtaining a final decision on a land application.
 - (f) "Secretary" means the Secretary of the Interior of the United States.
- (2) The office shall:
- (a) develop expertise:
 - (i) in the land application process; and
 - (ii) concerning the factors that tend to increase the chances that a land application will result in the secretary selling or leasing federal land as requested in the land application;
 - (b) work to educate government entities concerning:
 - (i) the availability of federal land pursuant to the federal land disposal law; and
 - (ii) the land application process;
 - (c) advise and consult with a government entity that requests assistance from the office to formulate and submit a land application and to pursue a decision on the land application;
 - (d) advise and consult with a government entity that requests assistance from the office to identify and quantify the amount of any funds needed to provide the public use described in a land application;
 - (e) adopt a list of factors to be considered in determining the degree to which a land application or potential land application is in the public interest;
 - (f) recommend a prioritization of land applications or potential land applications in the state according to the extent to which the land applications are in the public interest, based on the factors adopted under Subsection (2)(e);
 - (g) prepare and submit a written report of land applications:
 - (i) to the Natural Resources, Agriculture, and Environment Interim Committee and the Federalism Commission;
 - (ii)
 - (A) annually no later than August 31; and

- (B) at other times, if and as requested by the committee or commission; and
 - (iii)
 - (A) on the activities of the office under this section;
 - (B) on the land applications and potential land applications in the state;
 - (C) on the decisions of the secretary on land applications submitted by government entities in the state; and
 - (D) the quantity of land acquired under the land applications;
 - (h) present a summary of information contained in the report described in Subsection (2)(g):
 - (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim Committee and at a meeting of the Federalism Commission;
 - (ii) annually no later than August 31; and
 - (iii) at other times, if and as requested by the committee or commission; and
 - (i) report to the Executive Appropriations Committee of the Legislature, as frequently as the executive director considers appropriate or as requested by the Executive Appropriations Committee, on the need for legislative appropriations to provide funds for the public purposes described in land applications.
- (3) The office may:
- (a) assist a government entity or the secretary in the filing and processing of a land application; and
 - (b) enter into an agreement with the secretary related to the office assisting in processing a land application.

Amended by Chapter 313, 2022 General Session

Part 4

Resource Development Coordinating Committee

63L-11-401 Creation of Resource Development Coordinating Committee.

- There is created the Resource Development Coordinating Committee within the office to:
- (1) assist the office in fulfilling the responsibilities of reviewing and coordinating technical and policy actions that may affect the physical resources of the state; and
 - (2) facilitate the exchange of information on those actions among state agencies and other levels of government.

Renumbered and Amended by Chapter 382, 2021 General Session

63L-11-402 Membership -- Terms -- Chair -- Expenses.

- (1) The Resource Development Coordinating Committee consists of the following 26 members:
 - (a) the state science advisor;
 - (b) a representative from the Department of Agriculture and Food appointed by the commissioner of the Department of Agriculture and Food;
 - (c) a representative from the Department of Cultural and Community Engagement appointed by the executive director of the Department of Cultural and Community Engagement;
 - (d) a representative from the Department of Environmental Quality appointed by the executive director of the Department of Environmental Quality;

- (e) a representative from the Department of Natural Resources appointed by the executive director of the Department of Natural Resources;
 - (f) a representative from the Department of Transportation appointed by the executive director of the Department of Transportation;
 - (g) a representative from the Governor's Office of Economic Opportunity appointed by the director of the Governor's Office of Economic Opportunity;
 - (h) a representative from the Housing and Community Development Division appointed by the director of the Housing and Community Development Division;
 - (i) a representative from the Utah Historical Society appointed by the director of the Utah Historical Society;
 - (j) a representative from the Division of Air Quality appointed by the director of the Division of Air Quality;
 - (k) a representative from the Division of Drinking Water appointed by the director of the Division of Drinking Water;
 - (l) a representative from the Division of Environmental Response and Remediation appointed by the director of the Division of Environmental Response and Remediation;
 - (m) a representative from the Division of Waste Management and Radiation Control appointed by the director of the Division of Waste Management and Radiation Control;
 - (n) a representative from the Division of Water Quality appointed by the director of the Division of Water Quality;
 - (o) a representative from the Division of Oil, Gas, and Mining appointed by the director of the Division of Oil, Gas, and Mining;
 - (p) a representative from the Division of Parks appointed by the director of the Division of Parks;
 - (q) a representative from the Division of Outdoor Recreation appointed by the director of the Division of Outdoor Recreation;
 - (r) a representative from the Division of Forestry, Fire, and State Lands appointed by the director of the Division of Forestry, Fire, and State Lands;
 - (s) a representative from the Utah Geological Survey appointed by the director of the Utah Geological Survey;
 - (t) a representative from the Division of Water Resources appointed by the director of the Division of Water Resources;
 - (u) a representative from the Division of Water Rights appointed by the director of the Division of Water Rights;
 - (v) a representative from the Division of Wildlife Resources appointed by the director of the Division of Wildlife Resources;
 - (w) a representative from the School and Institutional Trust Lands Administration appointed by the director of the School and Institutional Trust Lands Administration;
 - (x) a representative from the Division of Facilities Construction and Management appointed by the director of the Division of Facilities Construction and Management;
 - (y) a representative from the Division of Emergency Management appointed by the director of the Division of Emergency Management; and
 - (z) a representative from the Division of Conservation, created under Section 4-46-401, appointed by the director of the Division of Conservation.
- (2)
- (a) As particular issues require, the coordinating committee may, by majority vote of the members present, appoint additional temporary members to serve as ex officio voting members.

- (b) Those ex officio members may discuss and vote on the issue or issues for which they were appointed.
- (3) A chair shall be selected by a vote of 14 committee members with the concurrence of the executive director.
- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Sections 63A-3-106 and 63A-3-107; and
 - (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 160, 2023 General Session

63L-11-403 Executive director responsibilities.

The executive director shall:

- (1) administer this part;
- (2) subject to the direction and approval of the governor, take necessary action to implement this part; and
- (3) inform political subdivision representatives, in advance, of all coordinating committee meetings.

Renumbered and Amended by Chapter 382, 2021 General Session

63L-11-404 Coordinating committee duties.

- (1) The coordinating committee shall assist the office:
 - (a) in the review of:
 - (i) proposed state actions affecting physical resources;
 - (ii) federal and federally assisted actions for which state review is provided by federal law, regulation, or policy; and
 - (iii) proposed federal regulations and policies pertaining to natural resource issues; and
 - (b) in the development and implementation of a procedure that will expedite the review of proposed energy and industrial facilities that require permits to be issued by more than one state agency.
- (2) The office shall review and forward the comments and recommendations of the committee to:
 - (a) the governor;
 - (b) the initiating state agency, in the case of a proposed state action; and
 - (c) the Office of Legislative Research and General Counsel.

Renumbered and Amended by Chapter 382, 2021 General Session

63L-11-405 Powers of state agencies and local governments not limited.

This part does not limit powers conferred upon departments, agencies, instrumentalities, or political subdivisions of the state by existing law.

Renumbered and Amended by Chapter 382, 2021 General Session