

1 **MANAGEMENT PLANS OF WILDLIFE**

2 **RESOURCES LAND**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Alarik Myrin**

6 AN ACT RELATING TO WILDLIFE RESOURCES; PROVIDING FOR NOTICE OF
7 PROPOSED ACQUISITIONS OF PRIVATE PROPERTY BY THE DIVISION OF
8 WILDLIFE RESOURCES; REQUIRING THE DIVISION OF WILDLIFE RESOURCES TO
9 PREPARE MANAGEMENT PLANS FOR LAND IT OWNS AND SPECIFYING
10 PROCEDURES FOR THE PREPARATION, REVIEW, ADOPTION, AND REVISION OF
11 THE PLANS; AND DEFINING TERMS.

12 This act affects sections of Utah Code Annotated 1953 as follows:

13 AMENDS:

14 **23-21-1.5**, as last amended by Chapter 227, Laws of Utah 1993

15 ENACTS:

16 **23-21-.5**, Utah Code Annotated 1953

17 **23-21-2.1**, Utah Code Annotated 1953

18 **23-21-2.2**, Utah Code Annotated 1953

19 **23-21-2.3**, Utah Code Annotated 1953

20 **23-21-2.4**, Utah Code Annotated 1953

21 **23-21-2.5**, Utah Code Annotated 1953

22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section **23-21-.5** is enacted to read:

24 **23-21-.5. Definitions.**

25 As used in this chapter:

26 (1) "General plan" means a document that a municipality or county adopts that sets forth
27 general guidelines for proposed future development of the land within the municipality or county

1 and includes what is commonly referred to as a "master plan."

2 (2) "Management plan" means a document prepared in accordance with this chapter that
3 describes how one or more tracts of land owned by the Division of Wildlife Resources are to be
4 used.

5 (3) "Regional advisory council" means a council created pursuant to Section 23-14-2.6.

6 (4) "Wildlife management area" means:

7 (a) a single tract of land owned by the division; or

8 (b) two or more tracts of land owned by the division that are within close proximity of
9 each other and managed as a single unit.

10 Section 2. Section **23-21-1.5** is amended to read:

11 **23-21-1.5. Acquisition of real property held in private ownership -- Published notice**
12 **and governor's approval required.**

13 (1) The Division of Wildlife Resources may not acquire title to real property held in
14 private ownership without first:

15 (a) publishing a notice of the proposed acquisition in a newspaper of general circulation
16 in the county in which the property is located; and

17 (b) obtaining the approval of the governor.

18 (2) The requirements of Subsection (1) apply whether title to real property held in private
19 ownership is acquired through a purchase, donation, or other means.

20 (3) In the case of a proposed purchase of private property, the notice may be published
21 after earnest money is paid.

22 (4) The published notice shall inform the public regarding:

23 (a) the proposed use of the land;

24 (b) any conditions on the acquisition of the land placed by donors, the federal government,
25 sellers, or others specifying how the land must be used;

26 (c) any changes to existing land uses that are anticipated; and

27 (d) the public comment submission process for comments on the proposed acquisition.

28 [~~2~~] (5) The governor shall:

29 (a) submit a notification of the proposed acquisition to:

30 (i) the county executive of the county in which the property is located;

31 (ii) the legislators of the legislative districts in which the lands are located; and

1 (iii) the School and Institutional Trust Lands Administration; and
2 (b) invite ~~[the county executive]~~ those notified to submit any comments on the proposed
3 acquisition.

4 ~~[(3)]~~ (6) After considering comments on the proposed acquisition, the governor may
5 approve the acquisition in whole or in part or disapprove the acquisition.

6 Section 3. Section **23-21-2.1** is enacted to read:

7 **23-21-2.1. Management plans.**

8 (1) The division shall prepare a management plan for each wildlife management area.

9 Upon adoption of a management plan by the division director, the lands shall be managed in
10 accordance with the management plan.

11 (2) Each plan shall include:

12 (a) a statement of the proposed or anticipated uses;

13 (b) a description of any management limitations or conditions covering the area;

14 (c) an inventory of the existing conditions;

15 (d) a statement of the desired future condition of the area;

16 (e) a list of strategies that may be implemented to achieve the desired future condition; and

17 (f) a description of any reallocation of forage, water, or other resource appurtenant to the
18 land.

19 Section 4. Section **23-21-2.2** is enacted to read:

20 **23-21-2.2. Preparation of management plans -- Participation by interested persons**
21 **and local and tribal governments -- Compatibility with local government plans and existing**
22 **rights.**

23 (1) The division shall invite persons who may have an interest in how the land is managed
24 to participate in the management planning process.

25 (2) Those persons may include:

26 (a) persons who use, or may use, the land for:

27 (i) agriculture, mining, or other commercial pursuits;

28 (ii) hunting or fishing;

29 (iii) recreation; or

30 (iv) other uses;

31 (b) adjacent or nearby landowners or residents; or

1 (c) other interested parties.

2 (3) The division shall invite local government officials to participate in the management
3 planning process.

4 (4) In preparing a management plan, the division shall seek to make land uses compatible
5 with:

6 (a) local government general plans and zoning and land use ordinances; and

7 (b) existing rights of others within the area.

8 (5) (a) If the land is located within or adjacent to tribal lands, the division shall invite tribal
9 government officials to participate in the management planning process.

10 (b) Participation by tribal officials in the development of management plans for lands
11 owned by the division does not waive the tribe's sovereignty.

12 Section 5. Section **23-21-2.3** is enacted to read:

13 **23-21-2.3. Review and adoption of management plans.**

14 (1) The division shall submit the draft management plan to the Resource Development
15 Coordinating Committee created in Section 63-28a-2 and the Habitat Council created by the
16 division for their review and recommendations.

17 (2) The division shall submit the draft management plan and any recommendations
18 received from the Resource Development Coordinating Committee and the Habitat Council to:

19 (a) the regional advisory council for the wildlife region in which the lands covered by the
20 management plan are located; and

21 (b) the regional advisory council for any wildlife region that may be affected by the
22 management plan.

23 (3) Each regional advisory council reviewing the draft management plan may make
24 recommendations to the division director.

25 (4) The division director has authority to adopt the management plan, adopt the plan with
26 amendments, or reject the plan.

27 (5) At the request of the division director or any member of the Wildlife Board, the
28 Wildlife Board may review a management plan to determine whether the plan is consistent with
29 board policies.

30 (6) The division director may amend a management plan in accordance with
31 recommendations made by the Wildlife Board.

1 Section 6. Section 23-21-2.4 is enacted to read:

2 **23-21-2.4. Procedure to revise a management plan.**

3 (1) Any person seeking a revision of a management plan may request the regional advisory
4 council in the region where the land is located to consider the proposal to revise the plan. The
5 regional advisory council shall consider the proposal and advise the division.

6 (2) The process specified in Sections 23-21-2.2 and 23-21-2.3 shall be used to revise a
7 management plan.

8 Section 7. Section 23-21-2.5 is enacted to read:

9 **23-21-2.5. Change in land use where a management plan is not in effect --**

10 **Notification to affected persons -- Compatibility with local government plans.**

11 (1) If a management plan has not been adopted by the division director for a tract of land
12 owned by the division, the division may not change any existing right to use the land until the
13 division notifies those who may be affected by the change and local government officials.

14 (2) When changing any existing right to use the land, the division shall seek to make uses
15 of division-owned land compatible with local government general plans and zoning and land use
16 ordinances.

Legislative Review Note
as of 11-20-97 3:30 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.