

- 28 (1) The state planning coordinator shall:
- 29 (a) act as the governor's adviser on state, regional, metropolitan, and local
30 governmental planning matters relating to public improvements and land use;
- 31 (b) counsel with the authorized representatives of the Department of Transportation,
32 the State Building Board, the Department of Health, the Department of Workforce Services,
33 the Labor Commission, the Department of Natural Resources, the School and Institutional
34 Trust Lands Administration, and other proper persons concerning all state planning matters;
- 35 (c) when designated to do so by the governor, receive funds made available to Utah by
36 the federal government;
- 37 (d) receive and review plans of the various state agencies and political subdivisions
38 relating to public improvements and programs;
- 39 (e) when conflicts occur between the plans and proposals of state agencies, prepare
40 specific recommendations for the resolution of the conflicts and submit the recommendations
41 to the governor for a decision resolving the conflict;
- 42 (f) when conflicts occur between the plans and proposals of a state agency and a
43 political subdivision or between two or more political subdivisions, advise these entities of the
44 conflict and make specific recommendations for the resolution of the conflict;
- 45 (g) act as the governor's planning agent in planning public improvements and land use
46 and, in this capacity, undertake special studies and investigations;
- 47 (h) provide information and cooperate with the Legislature or any of its committees in
48 conducting planning studies;
- 49 (i) cooperate and exchange information with federal agencies and local, metropolitan,
50 or regional agencies as necessary to assist with federal, state, regional, metropolitan, and local
51 programs; and
- 52 (j) make recommendations to the governor that the planning coordinator considers
53 advisable for the proper development and coordination of plans for state government and
54 political subdivisions.
- 55 (2) The state planning coordinator may:
- 56 (a) perform regional and state planning and assist city, county, metropolitan, regional,
57 and state government planning agencies in performing local, metropolitan, regional, and state
58 planning; and

59 (b) provide planning assistance to Indian tribes regarding planning for Indian
60 reservations.

61 (3) ~~(a)~~ The state planning coordinator may prepare plans, programs, or processes, and
62 coordinate the:

63 (a) development of policies concerning the management and use of ~~public~~ federal
64 lands and natural resources on federal lands in Utah ~~to~~ that promote maximum recognition of
65 state and local interest in the federal land use management process[-];

66 (b) development, research and use of factual information, legal analysis, and statements
67 of desired future condition for the state, or subregion of the state, as are necessary to support
68 the plans, programs, processes, or policies;

69 (c) preparation of the plans, programs, processes, and policies with the general plans of
70 cities and counties and all state plans or other management authority statements affecting
71 federal lands or natural resources on federal lands;

72 (d) establishment of agreements between the state and federal land management
73 agencies, federal natural resource management agencies, and federal natural resource
74 regulatory agencies which facilitate state participation in the development, revision, and
75 implementation of land use plans, guidelines, regulations, other instructional memoranda, or
76 similar documents proposed or promulgated for lands and natural resources administered by
77 federal agencies; and

78 (e) establishment of agreements with federal land management agencies, federal
79 natural resource management agencies, and federal natural resource regulatory agencies which
80 provide a process for state participation in the preparation of, or coordinated state response to,
81 environmental impact analysis documents and similar documents prepared pursuant to law by
82 state or federal agencies.

83 ~~(b)~~ (4) The state planning coordinator shall ~~(+)~~ develop ~~all state~~ policies, plans,
84 programs, or processes authorized by this section in cooperation with appropriate state agencies
85 and political subdivisions by coordinating the development of positions:

86 (a) through the Resource Development Coordinating Committee; ~~and~~

87 (b) in consultation with local government officials concerning general local
88 government plans; and

89 ~~(ii) solicit~~ (c) by soliciting public comment through the Resource Development

90 Coordinating Committee.

91 (5) The state planning coordinator shall take into consideration the following findings
92 in the preparation of any policies, plans, programs, or processes relating to federal lands and
93 natural resources on federal lands pursuant to this section:

94 (a) the citizens of the state are best served by the application of multiple-use and
95 sustained-yield principles when making decisions concerning the management and use of the
96 lands administered by the Bureau of Land Management and the U.S. Forest Service;

97 (b) multiple-use and sustained-yield management means that federal agencies should
98 develop and implement management plans and make other resource-use decisions which
99 facilitate land and natural resource use allocation which would support the specific plans,
100 programs, processes, and policies of state agencies and local governments and which are
101 designed to produce and provide the food, fiber, and minerals necessary to meet future
102 economic growth needs, and community expansion, and meet the recreational needs of the
103 citizens of the state without permanent impairment of the productivity of the land;

104 (c) the waters of the state are the property of the citizens of the state, subject to
105 appropriation for beneficial use, and are essential to the future prosperity of the state and the
106 quality of life within the state;

107 (d) the state has the right to develop and use its entitlement to interstate rivers;

108 (e) all water rights desired by the federal government must be obtained through the
109 state water appropriation system;

110 (f) land management and resource-use decisions which affect federal lands should give
111 priority to and support the purposes of the compact between the state and the United States
112 related to school and institutional trust lands;

113 (g) development of the solid, fluid, and gaseous mineral resources of the state is an
114 important part of the economy of the state, and of local regions within the state;

115 (h) Utah has outstanding opportunities for outdoor recreation;

116 (i) wildlife constitutes an important resource and provides recreational opportunities
117 for the state's citizens, and proper stewardship of the land and natural resources is necessary to
118 ensure a viable wildlife population within the state;

119 (j) forests, rangelands, timber, and other vegetative resources provide forage for
120 livestock, forage and habitat for wildlife, contribute to the state's economic stability and

121 growth, and are important for a wide variety of recreational pursuits;

122 (k) management programs and initiatives which increase forage for the mutual benefit
123 of the agricultural industry and wildlife species by utilizing proven techniques and tools are
124 vital to the state's economy and the quality of life in Utah; and

125 (l) transportation and access routes to and across federal lands, including all
126 rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life
127 in Utah.

128 (6) The state planning coordinator shall take into consideration the following findings
129 in the preparation of any policies, plans, programs, or processes relating to federal lands and
130 natural resources on federal lands pursuant to this section:

131 (a) the state's support for the addition of a river segment to the National Wild and
132 Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:

133 (i) it is clearly demonstrated that water is present and flowing at all times;

134 (ii) it is clearly demonstrated that the required water-related value is considered
135 outstandingly remarkable within a region of comparison consisting of one of the three
136 physiographic provinces in the state, and that the rationale and justification for the conclusions
137 are disclosed;

138 (iii) the effects of the addition upon the local and state economies, agricultural and
139 industrial operations and interests, tourism, water rights, water quality, water resource
140 planning, and access to and across river corridors in both upstream and downstream directions
141 from the proposed river segment have been evaluated in detail by the relevant federal agency;

142 (iv) it is clearly demonstrated that the provisions and terms of the process for review of
143 potential additions have been applied in a consistent manner by all federal agencies; and

144 (v) the rationale and justification for the proposed addition, including a comparison
145 with protections offered by other management tools, is clearly analyzed within the multiple-use
146 mandate, and the results disclosed;

147 (b) the conclusions of all studies related to potential additions to the National Wild and
148 Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and
149 action by the Legislature and governor, and the results, in support of or in opposition to, are
150 included in any planning documents or other proposals for addition and are forwarded to the
151 United States Congress;

152 (c) the state's support for designation of an Area of Critical Environmental Concern
153 (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be
154 withheld until:

155 (i) it is clearly demonstrated that the proposed area contains historic, cultural or scenic
156 values, fish or wildlife resources, or natural processes which are unique or substantially
157 significant on a regional basis, or contain natural hazards which significantly threaten human
158 life or safety;

159 (ii) the regional values, resources, processes, or hazards have been analyzed by the
160 federal agency for impacts resulting from potential actions which are consistent with the
161 multiple-use, sustained-yield principles, and that this analysis describes the rationale for any
162 special management attention required to protect, or prevent irreparable damage to the values,
163 resources, processes or hazards;

164 (iii) the difference between special management attention required for an ACEC and
165 normal multiple-use management has been identified and justified, and that any determination
166 of irreparable damage has been analyzed and justified for short and long term horizons;

167 (iv) it is clearly demonstrated that the proposed designation is not a substitute for a
168 wilderness suitability recommendation; and

169 (v) the conclusions of all studies are submitted to the state for review, and the results,
170 in support of or in opposition to, are included in all planning documents;

171 (d) sufficient federal lands are made available for government-to-government
172 exchanges of school and institutional trust lands and federal lands without regard for a
173 resource-to-resource correspondence between the surface or mineral characteristics of the
174 offered trust lands and the offered federal lands;

175 (e) federal agencies should support government-to-government exchanges of land with
176 the state based on a fair process of valuation which meets the fiduciary obligations of both the
177 state and federal governments toward trust lands management, and which assures that revenue
178 authorized by federal statute to the state from mineral or timber production, present or future, is
179 not diminished in any manner during valuation, negotiation, or implementation processes;

180 (f) prime agricultural lands should continue to produce the food and fiber needed by
181 the citizens of the state and the nation, and the rural character and open landscape of rural Utah
182 should be preserved through a healthy and active agricultural industry, consistent with private

183 property rights and state fiduciary duties;

184 (g) the resources of the forests and rangelands of the state should be integrated as part
185 of viable, robust, and sustainable state and local economies, and available forage should be
186 evaluated for the full complement of herbivores the rangelands can support in a sustainable
187 manner, and forests should contain a diversity of timber species, and disease or insect
188 infestations in forests should be controlled using logging or other best management practices;

189 (h) the invasion of noxious weeds and undesirable invasive plant species into Utah
190 should be reversed, their presence eliminated, and their return prevented;

191 (i) management and resource-use decisions by federal land management and regulatory
192 agencies concerning the vegetative resources within the state should reflect serious
193 consideration of the optimization of the yield of water within the watersheds of Utah;

194 (j) the development of the solid, fluid, and gaseous mineral resources of the state
195 should be encouraged, the waste of fluid and gaseous minerals within developed areas should
196 be prohibited, and requirements to mitigate or reclaim mineral development projects should be
197 based on credible evidence of significant impacts to natural or cultural resources;

198 (k) motorized, human and animal-powered outdoor recreation should be integrated into
199 a fair and balanced allocation of resources within the historical and cultural framework of
200 multiple-uses in rural Utah, and outdoor recreation should be supported as part of a balanced
201 plan of state and local economic support and growth;

202 (l) off-highway vehicles should be used responsibly, and the management of
203 off-highway vehicles should be uniform across all jurisdictions, and laws related to the use of
204 off-highway vehicles should be uniformly applied across all jurisdictions;

205 (m) rights-of-way granted under the provisions of R. S. 2477 should be preserved and
206 acknowledged;

207 (n) transportation and access provisions for all other existing routes, roads and trails
208 across federal, state, and school trust lands within the state should be determined and
209 identified, and agreements executed and implemented, as necessary to fully authorize and
210 determine responsibility for maintenance of all routes, roads, and trails;

211 (o) the reasonable development of new routes and trails for motorized, human and
212 animal-powered recreation should be implemented; and

213 (p) (i) forests, rangelands, and watersheds, in a healthy condition, are necessary and

214 beneficial for wildlife, livestock grazing, and other multiple-uses;
215 (ii) that management programs and initiatives which are implemented to increase
216 forage for the mutual benefit of the agricultural industry, livestock operations, and wildlife
217 species should utilize all proven techniques and tools;
218 (iii) that provisions for predator control initiatives or programs under the direction of
219 state and local authorities should be implemented; and
220 (iv) that resource-use and management decisions by federal land management and
221 regulatory agencies should support state sponsored initiatives or programs designed to stabilize
222 wildlife populations that may be experiencing a scientifically-demonstrated decline in those
223 populations.
224 [~~4~~] (7) Nothing contained in this section may be construed to restrict or supersede the
225 planning powers conferred upon state departments, agencies, [or] instrumentalities, or advisory
226 councils of the state or the planning powers conferred upon political subdivisions by any other
227 existing law.

Legislative Review Note
as of 1-16-04 4:29 PM

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

Office of Legislative Research and General Counsel

Fiscal Note

State Land Use Management Plans

23-Jan-04

Bill Number HB008810:31 AM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst