

1                                   **STATE LAND USE MANAGEMENT PLANS**

2   **AMENDMENTS**

3   2005 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Michael E. Noel**

---

---

7   **LONG TITLE**

8   **General Description:**

9               This bill modifies the duties of the state planning coordinator to require the state  
10 planning coordinator to consider certain findings and policy considerations when  
11 developing state policies, plans, and programs relating to federal lands and natural  
12 resources on federal lands.

13 **Highlighted Provisions:**

14               This bill:

- 15               ▶ establishes certain findings to be considered when developing state policies relating
- 16 to federal lands and natural resources located on federal lands;
- 17               ▶ establishes considerations for recognition of state and local interests in the federal
- 18 land use management process;
- 19               ▶ establishes planning policies related to:
  - 20               • managing public land for wilderness considerations;
  - 21               • allocation of grazing animal unit months;
  - 22               • transportation to and across federal land;
  - 23               • management of river segments;
  - 24               • designation of areas of critical environmental concern; and
  - 25               • creation of roadless or unroaded areas on federal lands;
- 26               ▶ requires that the state planning coordinator work in conjunction with state agencies
- 27 and political subdivisions when developing policies, plans, and programs;



28           ▶ requires that the state planning coordinator uphold and promote the policies, plans,  
29 programs, and desired outcomes of the counties where federal lands are located;

30           ▶ requires that the planning provisions apply to any individual working for the state  
31 planning coordinator or in conjunction with the state planning coordinator; and

32           ▶ makes technical changes.

33 **Monies Appropriated in this Bill:**

34           None

35 **Other Special Clauses:**

36           None

37 **Utah Code Sections Affected:**

38 AMENDS:

39           **63-38d-102**, as enacted by Chapter 16, Laws of Utah 2003

40           **63-38d-401**, as last amended by Chapter 184, Laws of Utah 2004



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

43           Section 1. Section **63-38d-102** is amended to read:

44           **63-38d-102. Definitions.**

45           As used in this chapter:

46           (1) "Committee" means the Resource Development Coordinating Committee created  
47 by this chapter.

48           (2) "Director" means the chief administrative officer of the Governor's Office of  
49 Planning and Budget appointed as provided in this chapter.

50           (3) "Office" means the Governor's Office of Planning and Budget created by this  
51 chapter.

52           (4) "Political subdivision" means a county, municipality, special district, school  
53 district, interlocal cooperation agreement entity, or any administrative subunit of them.

54           (5) "State planning agent" means any individual working for or in conjunction with the  
55 state planning coordinator, including an agent or employee of:

56           (a) the state planning coordinator;

57           (b) the Governor's Office; or

58           (c) the Department of Natural Resources.

59            [~~(5)~~] (6) "State planning coordinator" means the person appointed as planning  
60 coordinator as provided in this chapter.

61            Section 2. Section **63-38d-401** is amended to read:

62            **63-38d-401. Planning duties of the planning coordinator and office.**

63            (1) The state planning coordinator shall:

64            (a) act as the governor's adviser on state, regional, metropolitan, and local  
65 governmental planning matters relating to public improvements and land use;

66            (b) counsel with the authorized representatives of the Department of Transportation,  
67 the State Building Board, the Department of Health, the Department of Workforce Services,  
68 the Labor Commission, the Department of Natural Resources, the School and Institutional  
69 Trust Lands Administration, and other proper persons concerning all state planning matters;

70            (c) when designated to do so by the governor, receive funds made available to Utah by  
71 the federal government;

72            (d) receive and review plans of the various state agencies and political subdivisions  
73 relating to public improvements and programs;

74            (e) when conflicts occur between the plans and proposals of state agencies, prepare  
75 specific recommendations for the resolution of the conflicts and submit the recommendations  
76 to the governor for a decision resolving the conflict;

77            (f) when conflicts occur between the plans and proposals of a state agency and a  
78 political subdivision or between two or more political subdivisions, advise these entities of the  
79 conflict and make specific recommendations for the resolution of the conflict;

80            (g) act as the governor's planning agent in planning public improvements and land use  
81 and, in this capacity, undertake special studies and investigations;

82            (h) provide information and cooperate with the Legislature or any of its committees in  
83 conducting planning studies;

84            (i) cooperate and exchange information with federal agencies and local, metropolitan,  
85 or regional agencies as necessary to assist with federal, state, regional, metropolitan, and local  
86 programs; and

87            (j) make recommendations to the governor that the planning coordinator considers  
88 advisable for the proper development and coordination of plans for state government and  
89 political subdivisions.

90 (2) The state planning coordinator may:

91 (a) ~~[perform regional and state planning and assist city, county, metropolitan, regional,~~  
 92 ~~and] assist~~ state government planning agencies in performing ~~[local, metropolitan, regional,~~  
 93 ~~and] state planning; [and]~~

94 (b) provide planning assistance to Indian tribes regarding planning for Indian  
 95 reservations[-]; and

96 ~~[(3) The state planning coordinator may prepare plans, programs, or processes, and~~  
 97 ~~shall coordinate the:]~~

98 ~~[(a) development of policies concerning the management and use of federal lands and~~  
 99 ~~natural resources on federal lands in Utah that promote maximum recognition of state and local~~  
 100 ~~interest in the federal land use management process;]~~

101 ~~[(b) development;]~~

102 (c) assist city, county, metropolitan, and regional planning agencies in performing  
 103 local, metropolitan, and regional planning, provided that the state planning coordinator and his  
 104 agents and designees:

105 (i) ~~Ĥ→~~ whenever possible, ←Ĥ comply with and uphold the plans, policies, programs,  
 105a processes, and desired  
 106 outcomes of each planning agency; and

107 (ii) do not ~~Ĥ→~~ [interfere with; ←Ĥ undermine Ĥ→ [;] ←Ĥ or disrupt Ĥ→ [; in any  
 107a way;] ←Ĥ the plans, policies,  
 108 programs, processes, or desired outcomes of each planning agency.

109 (3) When preparing or assisting in the preparation of plans, policies, programs, or  
 110 processes related to the management or use of federal lands or natural resources on federal  
 111 lands in Utah, the state planning coordinator and any state planning agent shall:

112 (a) recognize, uphold, and promote, to the maximum extent Ĥ→ [permitted under]  
 112a consistent with ←Ĥ state and  
 113 federal law, the plans, policies, programs, processes, and desired outcomes of the counties  
 114 where the federal lands or natural resources are located;

115 (b) develop, research, and use [of] factual information, legal analysis, and statements of  
 116 desired future condition for the state, or subregion of the state, as [are] necessary to support the  
 117 plans, policies, programs, processes, [or policies] and desired outcomes of Ĥ→ the state  
 117a and ←Ĥ counties where the  
 118 federal lands or natural resources are located;

119 (c) ~~[establishment of]~~ establish agreements between the state and federal land  
 120 management agencies, federal natural resource management agencies, and federal natural

121 resource regulatory agencies [~~which~~] to facilitate state and local participation in the  
 122 development, revision, and implementation of land use plans, guidelines, regulations, other  
 123 instructional memoranda, or similar documents proposed or promulgated for lands and natural  
 124 resources administered by federal, state, or local agencies; and

125 (d) [~~establishment of~~] work in conjunction with political subdivisions to establish  
 126 agreements with federal land management agencies, federal natural resource management  
 127 agencies, and federal natural resource regulatory agencies [~~which~~] to provide a process for state  
 128 and local participation in the preparation of, or coordinated state and local response to,  
 129 environmental impact analysis documents and similar documents prepared pursuant to law by  
 130 state or federal agencies.

131 (4) [~~If the~~] The state planning coordinator [~~submits~~] and any state planning agent shall  
 132 comply with the requirements of Subsection 63C-4-102(7) before submitting any comments on  
 133 a draft environmental impact statement or on an environmental assessment for a proposed land  
 134 management plan[~~, before submission, the state planning coordinator shall comply with the~~  
 135 requirements of Subsection 63C-4-102(7)].

136 (5) (a) The state planning coordinator and any state planning agent shall cooperate with  
 137 and work in conjunction with appropriate state agencies and political subdivisions to develop  
 138 policies, plans, programs, [~~or~~] processes, and desired outcomes authorized by this section [~~in~~  
 139 cooperation with appropriate state agencies and political subdivisions] by coordinating the  
 140 development of positions:

141 [~~(a)~~] (i) through the Resource Development Coordinating Committee;

142 [~~(b)~~] (ii) in [~~consultation~~] conjunction with local government officials concerning  
 143 general local government plans; and

144 [~~(c)~~] (iii) by soliciting public comment through the Resource Development  
 145 Coordinating Committee.

146 (b) The state planning coordinator and any state planning agent shall ~~H→~~ **, to the maximum**  
 146a **extent consistent with state and federal law, ←H** ensure that any  
 147 policies, plans, programs, processes, or desired outcomes developed under Subsection (5)(a)  
 148 are consistent with the policies, plans, programs, processes, and desired outcomes of the  
 149 political subdivisions.

150 (6) The state planning coordinator [~~shall take into consideration the following findings~~  
 151 in the preparation of] and any state planning agent shall adhere to the following principles

152 when preparing any policies, plans, programs, [~~or~~] processes, or desired outcomes relating to  
 153 federal lands and natural resources on federal lands pursuant to this section:

154 (a) (i) the citizens of the state are best served by [~~the application of~~] applying  
 155 multiple-use and sustained-yield principles ~~H→~~ [~~when making decisions concerning the~~  
 156 ~~management and use of the~~] to all lands administered by the Bureau of Land Management and  
 157 the U.S. Forest Service] in public land use planning and management ~~←H~~ ;

158 [~~(b)~~] (ii) multiple-use and sustained-yield management means that federal agencies  
 159 should develop and implement management plans and make other resource-use decisions  
 160 [~~which facilitate land and natural resource use allocation which would support the~~] that:

161 (A) achieve and maintain in perpetuity a high-level annual or regular periodic output of  
 162 mineral and various renewable resources from public lands;

163 (B) support valid existing transportation, mineral, and grazing rights at historic  
 163a levels ~~H→~~ or higher ~~←H~~ ;

164 (C) support the specific plans, programs, processes, and policies of state agencies and  
 165 local governments [~~and which are~~];

166 (D) are designed to produce and provide the watersheds, food, fiber, livestock forage,  
 166a ~~H→~~ wildlife forage, ~~←H~~

167 and minerals that are necessary to meet present needs and future economic growth [~~needs;~~] and  
 168 community expansion[;]; and

169 (E) meet the recreational needs and the personal and business related transportation  
 170 needs of the citizens of the state by providing access throughout the state without permanent  
 171 impairment of the productivity of the land;

172 (b) ~~H→~~ [(i)] ~~←H~~ managing public lands for "wilderness characteristics" ~~H→~~ circumvents  
 172a the statutory wilderness process and ~~←H~~ is inconsistent with the  
 173 multiple-use and sustained-yield management standard that applies to all public lands that are  
 174 not wilderness areas or wilderness study areas;

175 ~~H→~~ [(ii)] ~~the state does not support use of the term "wilderness characteristics management"~~  
 176 ~~as a euphemism for an attempt to circumvent the statutory wilderness process;~~ ~~←H~~

177 (c) [~~the~~] all waters of the state are [~~the property of the citizens of the state;~~];

178 (i) owned exclusively by the state in trust for its citizens;

179 (ii) are subject to appropriation for beneficial use[;]; and

180 (iii) are essential to the future prosperity of the state and the quality of life within the  
 181 state;

182 (d) the state has the right to develop and use its entitlement to interstate rivers ~~H→~~ [without

183 interference from the federal government] ←H ;

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

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

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

191 (h) [~~Utah~~] the state has outstanding opportunities for outdoor recreation;

192 (i) wildlife constitutes an important resource and provides recreational and economic  
193 opportunities for the state's citizens[~~;~~and];

194 (j) proper stewardship of the land and natural resources is necessary to ensure a viable  
195 wildlife population within the state without impairing, appropriating, transferring, reallocating,  
196 or otherwise diminishing the forage previously allocated for domestic livestock grazing;

197 [(j)] (k) forests, rangelands, timber, and other vegetative resources;

198 (i) provide forage for livestock[~~;~~];

199 (ii) provide forage and habitat for wildlife[~~;~~];

200 (iii) provide resources for the state's timber and logging industries;

201 (iv) contribute to the state's economic stability and growth[~~;~~]; and

202 (v) are important for a wide variety of recreational pursuits;

203 [(k)] (l) management programs and initiatives [~~which~~] that improve watersheds and  
204 increase forage for the mutual benefit of [~~the agricultural industry and~~] wildlife species and  
205 livestock, logging, and other agricultural industries by utilizing proven techniques and tools are  
206 vital to the state's economy and the quality of life in Utah; [~~and~~]

207 (m) (i) land management plans, programs, and initiatives should provide that the  
208 amount of domestic livestock forage, expressed in animal unit months, for permitted, active  
209 use be no less than the maximum number of animal unit months sustainable by range  
210 conditions in grazing allotments and districts, based on an on the ground and scientific  
211 analysis;

212 (ii) the state opposes the relinquishment or retirement of grazing animal unit months in  
213 favor of conservation H→ [use] , wildlife, and other uses ←H ;

213a H→ (iii) (A) the state favors practices that are jointly sponsored by cattlemen's,  
213b sportsmen's, and wildlife management groups such as chaining, seeding, burning, and other  
213c direct soil and vegetation prescriptions that are scientifically demonstrated to

213d restore rangeland health, increase forage, and improve watersheds in grazing districts and  
213e allotments for the mutual benefit of domestic livestock and wildlife;  
213f (B) when practices described in Subsection (6)(m)(iii)(A) increase a grazing allotment's  
213g forage beyond the total permitted forage use that was allocated to that allotment in the last  
213h federal land use plan or allotment management plan still in existence as of January 1, 2005, a  
213i reasonable and fair portion of the increase in forage beyond the previously allocated total  
213j permitted use should be allocated to wildlife as recommended by a joint, evenly-balanced  
213k committee of livestock and wildlife representatives that is appointed and constituted by the  
213l governor for that purpose; ←H



214 Ĥ→ [(iii)] (iv) ←Ĥ the state opposes as irrational, the transfer of grazing animal  
 214a unit months to  
 215 wildlife for supposed reasons of rangeland health;  
 216 Ĥ→ [(iv)] (v) ←Ĥ reductions in domestic livestock animal unit months must be  
 216a temporary and  
 217 scientifically based upon rangeland conditions;  
 218 Ĥ→ [(v)] (vi) ←Ĥ policies, plans, programs, initiatives, resource management plans,  
 218a and forest plans  
 219 may not allow the placement of grazing animal unit months in a suspended use category unless  
 220 there is a rational and scientific determination that the condition of the rangeland allotment or  
 221 district in question will not sustain the animal unit months sought to be placed in suspended  
 222 use;  
 223 Ĥ→ [(vi)] (vii) ←Ĥ any grazing animal unit months that are placed in a suspended use  
 223a category should  
 224 be returned to active use when range conditions improve;  
 225 Ĥ→ [(vii)] (viii) ←Ĥ policies, plans, programs, and initiatives related to vegetation  
 225a management should  
 226 recognize and uphold the preference for domestic grazing over alternate forage uses in  
 227 established grazing districts Ĥ→ [and should uphold the improvement of] while upholding  
 227a **management practices that optimize and expand forage for grazing and wildlife in**  
 227b **conjunction with state wildlife management plans and programs in order to provide**  
 227c **maximum available ←Ĥ forage for all uses; and**  
 228 Ĥ→ [(viii)] (ix) ←Ĥ in established grazing districts, animal unit months that have  
 228a been reduced due to  
 229 rangeland health concerns should be restored to livestock when rangeland conditions improve,  
 230 and should not be converted to wildlife use;  
 231 (n) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports the  
 232 recognition and public use of R.S.2477 rights-of-way;  
 233 (o) it is the policy of the state to use reasonable administrative and legal measures to  
 234 protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to  
 235 support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way  
 236 are not recognized or are impaired; and  
 237 [(t)] (p) transportation and access routes to and across federal lands, including all  
 238 rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life  
 239 in [Utah.] the state, and must provide, at a minimum, a network of roads throughout the

240 planning area that provides for:

241           (i) movement of people, goods, and services across public lands;

242           (ii) reasonable access to a broad range of resources and opportunities throughout the

243 planning area, including access to livestock, water, and minerals;

244           (iii) agricultural, economic, and business needs;

245 (iv) public safety;

246 (v) search and rescue;

247 (vi) access for people with disabilities and the elderly;

248 (vii) access to state lands; and

249 (viii) recreational opportunities.

250 (7) The state planning coordinator and any state planning agent shall [~~take into~~  
251 ~~consideration~~] adhere to the following findings in the preparation of any [~~policies,~~] plans,  
252 policies, programs, [or] processes, or desired outcomes relating to federal lands and natural  
253 resources on federal lands pursuant to this section:

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

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

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

261 (iii) it is clearly demonstrated that, to the maximum extent consistent with state and  
262 federal law, the inclusion of each river segment is consistent with the policies and plans of each  
263 county where the river segment is located;

264 [~~(iii)~~] (iv) the effects of the addition upon the local and state economies, agricultural  
265 and industrial operations and interests, tourism, water rights, water quality, water resource  
266 planning, and access to and across river corridors in both upstream and downstream directions  
267 from the proposed river segment have been evaluated in detail by the relevant federal agency;

268 [~~(iv)~~] (v) it is clearly demonstrated that the provisions and terms of the process for  
269 review of potential additions have been applied in a consistent manner by all federal agencies;  
270 [~~and~~]

271 [~~(v)~~] (vi) the rationale and justification [for the proposed addition, including a  
272 comparison with protections offered by other management tools, is clearly analyzed within the  
273 multiple-use mandate, and the results disclosed;

274 (vii) it is clearly demonstrated that the agency with management authority over the  
275 river segment commits not to apply any special management standard to the river segment

276 unless and until an Act of Congress adds the river segment to the National Wild and Scenic  
277 Rivers System;

278 (viii) it is clearly demonstrated that the agency with management authority over the  
279 river segment commits not to impose Visual Resource Management Class I or II management  
280 prescriptions on the river segment; and

281 (ix) it is clearly demonstrated that including the river segment and the terms and  
282 conditions for managing the river segment as part of the National Wild and Scenic River  
283 System will not prevent, reduce, impair, or otherwise interfere with:

284 (A) the state and its citizens' enjoyment of complete and exclusive water rights in and  
285 to the rivers of the state; or

286 (B) local, state, regional, or interstate water compacts to which the state or any county  
287 is a party;

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

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

296 (i) it is clearly demonstrated that the proposed area satisfies all the definitional  
297 requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec.  
298 1702(a);

299 (ii) it is clearly demonstrated that the proposed area is limited in geographic size and  
300 programmatic scope to cases of micro and specific management prescriptions rather than  
301 general and broad land classifications;

302 (iii) it is clearly demonstrated that the proposed area is limited in geographic size and  
303 the management prescription is limited in programmatic scope to only that shown to be  
304 necessary, as a matter of proven science, to protect and prevent irreparable damage to relevant  
305 and important values;

306 (iv) it is clearly demonstrated that the proposed area is limited only to areas that are

307 already developed or used or to areas where no development is required;

308 (v) it is clearly demonstrated that the proposed area contains historic, cultural or scenic  
309 values, fish or wildlife resources, or natural processes which are unique or substantially  
310 significant on a regional basis, or contain natural hazards which significantly threaten human  
311 life or safety;

312 [(ii)] (vi) the federal agency has analyzed regional values, resources, processes, or  
313 hazards [have been analyzed by the federal agency for impacts] for irreparable damage  
314 resulting from potential actions which are consistent with the multiple-use, sustained-yield  
315 principles, and [that this] the analysis describes the rationale for any special management  
316 attention required to protect, or prevent irreparable damage to the values, resources, processes,  
317 or hazards;

318 (vii) it is clearly demonstrated that, to the maximum extent consistent with state and  
319 federal law, the proposed designation is consistent with the policies and plans of each county  
320 where the proposed designation is located;

321 (viii) it is clearly demonstrated that the proposed ACEC designation will not be applied  
322 redundantly over existing protections for subject resources, including designations for  
323 threatened or endangered species, critical habitat, and cultural resources;

324 [(iii)] (ix) the difference between special management attention required for an ACEC  
325 and normal multiple-use management has been identified and justified, and that any  
326 determination of irreparable damage has been analyzed and justified for short and long-term  
327 horizons;

328 [(iv)] (x) it is clearly demonstrated that the proposed designation;

329 (A) is not a substitute for a wilderness suitability recommendation; [and]

330 (B) is not a substitute for a former wilderness reinventory area or a citizens' proposed  
331 wilderness area or other similar designation; and

332 (C) it is not an excuse or justification to apply de facto wilderness management  
333 standards or preserve scenic or wilderness type values; and

334 [(v)] (xi) the conclusions of all studies are submitted to the state for review, and the  
335 results, in support of or in opposition to, are included in all planning documents;

336 (d) sufficient federal lands are made available for government-to-government  
337 exchanges of school and institutional trust lands and federal lands without regard for a

338 resource-to-resource correspondence between the surface or mineral characteristics of the  
 339 offered trust lands and the offered federal lands;

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

345 (f) [~~prime~~] agricultural and grazing lands should continue to produce the food and fiber  
 346 needed by the citizens of the state and the nation, and the rural character and open landscape of  
 347 rural Utah should be preserved through a healthy and active agricultural and grazing industry,  
 348 consistent with private property rights and state fiduciary duties;

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

354 (h) the state opposes ~~H~~→ **[the creation of] any additional evaluation of national forest**  
 354a **service lands as** ~~←H~~ "roadless" or "unroaded" ~~H~~→ **[areas on forest lands] beyond the forest**  
 354b **service's second roadless area review evaluation** ~~←H~~ and  
 355 opposes efforts by agencies to specially manage those areas in a way that:

356 (i) closes or declassifies existing roads;

357 (ii) restricts travel on existing roads;

358 (iii) excludes or diminishes traditional multiple-use activities, including grazing and  
 359 logging;

360 (iv) interferes with the enjoyment and use of valid, existing rights, including water  
 361 rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral  
 362 leasing rights; or

363 (v) prohibits development of additional roads reasonably necessary to pursue  
 364 traditional multiple-use activities;

365 (i) the state's support for any forest plan revision or amendment will be withheld until  
 366 the appropriate plan revision or plan amendment environmental impact statement clearly  
 367 demonstrates that:

368 (i) established roads are not referred to as unclassified roads or a similar classification;

369 (ii) lands in the vicinity of established roads are not classified as roadless or unroaded  
370 areas;

371 (iii) lands in the vicinity of established roads are managed under the multiple-use,  
372 sustained-yield management standard; and

373 (iv) no roadless or unroaded evaluations or inventories are recognized or upheld  
374 beyond those that were recognized or upheld in the United States Forest Service's Roadless  
375 Area Review and Evaluation which was performed prior to 1984;

376 [~~(h)~~] (j) the invasion of noxious weeds and undesirable invasive plant species into  
377 [~~Utah~~] the state should be reversed, their presence eliminated, and their return prevented;

378 [~~(i)~~] (k) management and resource-use decisions by federal land management and  
379 regulatory agencies concerning the vegetative resources within the state should reflect serious  
380 consideration of the optimization of the yield of water within the watersheds of [~~Utah~~] the  
381 state;

382 (l) (i) it is the policy of the state that:

383 (A) mineral and energy production and environmental protection are not mutually  
384 exclusive;

385 (B) it is technically feasible to permit appropriate access to mineral and energy  
386 resources while preserving nonmineral and nonenergy resources;

387 (C) resources management planning should seriously consider all available mineral and  
388 energy resources;

389 (D) all resources impacts should be mitigated;

390 [~~(j)~~] (E) the development of the solid, fluid, and gaseous mineral resources of the state  
391 should be encouraged[;];

392 (F) the waste of fluid and gaseous minerals within developed areas should be  
393 prohibited[;]; and

394 (G) requirements to mitigate or reclaim mineral development projects should be based  
395 on credible evidence of significant impacts to natural or cultural resources;

396 (ii) the state's support for mineral development provisions within federal land  
397 management plans will be withheld until the appropriate land management plan environmental  
398 impact statement clearly demonstrates:

399 (A) that the authorized planning agency has:

400 (I) considered and evaluated the mineral and energy potential in all productive areas of  
401 the planning area as if the areas were open to mineral development under standard lease  
402 agreements; and

403 (II) evaluated any management plan prescription for its impact on the areas baseline  
404 mineral and energy potential;

405 (B) that the development provisions do not unduly restrict access to public lands for  
406 energy exploration and development;

407 (C) that the authorized planning agency has supported any closure of additional areas  
408 to mineral leasing and development or any increase of acres subject to no surface occupancy  
409 restrictions by adhering to:

410 (I) the relevant provisions of the Federal Land Policy and Management Act of 1976, 43  
411 U.S.C. Sec. 1701 et seq.;

412 (II) other controlling mineral development laws; and

413 (III) the controlling withdrawal and reporting procedures set forth in the Federal Land  
414 Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;

415 (D) that the authorized planning agency evaluated whether to repeal any moratorium  
416 that may exist on the issuance of additional mining patents and oil and gas leases;

417 (E) that the authorized planning agency actively considered adopting the least  
418 restrictive lease stipulations and conditions necessary to protect against irreparable damage to  
419 other significant resource values;

420 (F) that the authorized planning agency evaluated mineral lease restrictions to  
421 determine whether to waive, modify, or make exceptions to the restrictions on the basis that  
422 they are no longer necessary or effective;

423 (G) that the authorized planning agency analyzed all areas subject to the no surface  
424 occupancy restrictions and that the analysis for each area shows that:

425 (I) mineral development in the no surface occupancy area is still feasible; or

426 (II) the no surface occupancy area should be reported to Congress as withdrawn; and

427 (H) that the authorized planning agency has evaluated all directional drilling  
428 requirements in no surface occupancy areas to determine whether directional drilling is feasible  
429 from an economic, ecological, and engineering standpoint;

430 [~~(k)~~] (m) motorized, human, and animal-powered outdoor recreation should be



431 integrated into a fair and balanced allocation of resources within the historical and cultural  
432 framework of multiple-uses in rural Utah, and outdoor recreation should be supported as part  
433 of a balanced plan of state and local economic support and growth;

434 ~~[(t)]~~ (n) off-highway vehicles should be used responsibly, ~~[and]~~ the management of  
435 off-highway vehicles should be uniform across all jurisdictions, and laws related to the use of  
436 off-highway vehicles should be uniformly applied across all jurisdictions;

437 ~~[(m)]~~ (o) (i) rights-of-way granted under the provisions of R.S. 2477 should be  
438 preserved and acknowledged;

439 (ii) land use management plans, programs, and initiatives must adopt and fully  
440 incorporate county transportation plans in order to provide a network of roads throughout the  
441 planning area that provides for:

442 (A) movement of people, goods, and services across public lands;

443 (B) reasonable access to a broad range of resources and opportunities throughout the  
444 planning area, including access to livestock, water, and minerals;

445 (C) economic and business needs;

446 (D) public safety;

447 (E) search and rescue;

448 (F) access for people with disabilities and the elderly;

449 (G) access to state lands; and

450 (H) recreational opportunities;

451 ~~[(n)]~~ (p) transportation and access provisions for all other existing routes, roads, and  
452 trails across federal, state, and school trust lands within the state should be determined and  
453 identified, and agreements should be executed and implemented, as necessary to fully authorize  
454 and determine responsibility for maintenance of all routes, roads, and trails;

455 ~~[(o)]~~ (q) the reasonable development of new routes and trails for motorized, human,  
456 and animal-powered recreation should be implemented; and

457 ~~[(p)]~~ (r) (i) forests, rangelands, and watersheds, in a healthy condition, are necessary  
458 and beneficial for wildlife, livestock grazing, and other multiple-uses;

459 (ii) ~~[that]~~ management programs and initiatives ~~[which]~~ that are implemented to  
460 increase forage for the mutual benefit of the agricultural industry, livestock operations, and  
461 wildlife species should utilize all proven techniques and tools;

462 (iii) [that] the continued viability of livestock operations and the livestock industry  
463 should be supported on the federal lands within [Utah] the state by management of the lands  
464 and forage resources, by the optimization of animal unit months for livestock, in accordance  
465 with the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43  
466 U.S.C. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. 315 et seq.,  
467 and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901 et seq.;

468 (iv) [that] provisions for predator control initiatives or programs under the direction of  
469 state and local authorities should be implemented; and

470 (v) [that] resource-use and management decisions by federal land management and  
471 regulatory agencies should support state-sponsored initiatives or programs designed to stabilize  
472 wildlife populations that may be experiencing a scientifically demonstrated decline in those  
473 populations.

474 (8) Nothing contained in this section may be construed to restrict or supersede the  
475 planning powers conferred upon state departments, agencies, instrumentalities, or advisory  
476 councils of the state or the planning powers conferred upon political subdivisions by any other  
477 existing law.

478 (9) Nothing in this section may be construed to affect any lands withdrawn from the  
479 public domain for military purposes, which are administered by the United States Army, Air  
480 Force, or Navy.

---

---

**Legislative Review Note**  
**as of 2-2-05 9:41 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

---

---

**Fiscal Note**  
**Bill Number HB0264**

**State Land Use Management Plans Amendments**

*10-Feb-05*

*7:49 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**