

Representative Michael E. Noel proposes the following substitute bill:

STATE LAND USE MANAGEMENT PLANS

AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael E. Noel

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ establishes certain findings to be considered when developing state policies relating to federal lands and natural resources located on federal lands;
- ▶ establishes considerations for recognition of state and local interests in the federal land use management process;
- ▶ establishes planning policies related to:
 - managing for the sustainability and health of the renewable resources such as water, timber, forage, recreation, and wildlife;
 - managing public land for wilderness considerations;
 - allocation of grazing animal unit months;
 - transportation to and across federal land;
 - management of river segments;



- 26 • designation of areas of critical environmental concern; and
- 27 • creation of roadless or unroaded areas on federal lands;
- 28 ▶ requires that the state planning coordinator work in conjunction with state agencies
- 29 and political subdivisions when developing policies, plans, and programs;
- 30 ▶ requires that the state planning coordinator uphold and promote the policies, plans,
- 31 programs, and desired outcomes of the state and counties where federal lands are
- 32 located; and
- 33 ▶ makes technical changes.

34 **Monies Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

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-401** is amended to read:

44 **63-38d-401. Planning duties of the planning coordinator and office.**

- 45 (1) The state planning coordinator shall:
 - 46 (a) act as the governor's adviser on state, regional, metropolitan, and local
 - 47 governmental planning matters relating to public improvements and land use;
 - 48 (b) counsel with the authorized representatives of the Department of Transportation,
 - 49 the State Building Board, the Department of Health, the Department of Workforce Services,
 - 50 the Labor Commission, the Department of Natural Resources, the School and Institutional
 - 51 Trust Lands Administration, and other proper persons concerning all state planning matters;
 - 52 (c) when designated to do so by the governor, receive funds made available to Utah by
 - 53 the federal government;
 - 54 (d) receive and review plans of the various state agencies and political subdivisions
 - 55 relating to public improvements and programs;
 - 56 (e) when conflicts occur between the plans and proposals of state agencies, prepare

57 specific recommendations for the resolution of the conflicts and submit the recommendations
58 to the governor for a decision resolving the conflict;

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

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

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

66 (i) cooperate and exchange information with federal agencies and local, metropolitan,
67 or regional agencies as necessary to assist with federal, state, regional, metropolitan, and local
68 programs; and

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

72 (2) The state planning coordinator may:

73 (a) ~~[perform regional and state planning and assist city, county, metropolitan, regional,~~
74 ~~and] assist state government planning agencies in performing [~~local, metropolitan, regional,~~~~
75 ~~and] state planning; [~~and]~~~~

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

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

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

83 ~~[(b) development,]~~

84 (c) assist city, county, metropolitan, and regional planning agencies in performing
85 local, metropolitan, and regional planning, provided that the state planning coordinator and his
86 agents and designees recognize and promote the plans, policies, programs, processes, and
87 desired outcomes of each planning agency whenever possible.

88 (3) When preparing or assisting in the preparation of plans, policies, programs, or
89 processes related to the management or use of federal lands or natural resources on federal
90 lands in Utah, the state planning coordinator shall:

91 (a) incorporate the plans, policies, programs, processes, and desired outcomes of the
92 counties where the federal lands or natural resources are located, to the maximum extent
93 consistent with state and federal law, provided that this requirement shall not be interpreted to
94 infringe upon the constitutional authority of the governor or the statutory responsibilities of
95 executive agencies;

96 (b) identify inconsistencies or conflicts between the plans, policies, programs,
97 processes, and desired outcomes prepared under Subsection (3)(a) and the plans, programs,
98 processes, and desired outcomes of local government as early in the preparation process as
99 possible, and seek resolution of the inconsistencies through meetings or other conflict
100 resolution mechanisms involving the necessary and immediate parties to the inconsistency or
101 conflict;

102 (c) present to the governor the nature and scope of any inconsistency or other conflict
103 that is not resolved under the procedures in Subsection (3)(b) for the governor's decision about
104 the position of the state concerning the inconsistency or conflict;

105 (d) develop, research, and use ~~[of]~~ factual information, legal analysis, and statements of
106 desired future condition for the state, or subregion of the state, as ~~[are]~~ necessary to support the
107 plans, policies, programs, processes, ~~[or policies]~~ and desired outcomes of the state and the
108 counties where the federal lands or natural resources are located;

109 ~~[(e) establishment of]~~ (e) establish and coordinate agreements between the state and
110 federal land management agencies, federal natural resource management agencies, and federal
111 natural resource regulatory agencies ~~[which]~~ to facilitate state and local participation in the
112 development, revision, and implementation of land use plans, guidelines, regulations, other
113 instructional memoranda, or similar documents proposed or promulgated for lands and natural
114 resources administered by federal, state, or local agencies; and

115 ~~[(d) establishment of]~~ (f) work in conjunction with political subdivisions to establish
116 agreements with federal land management agencies, federal natural resource management
117 agencies, and federal natural resource regulatory agencies ~~[which]~~ to provide a process for state
118 and local participation in the preparation of, or coordinated state and local response to,

119 environmental impact analysis documents and similar documents prepared pursuant to law by
120 state or federal agencies.

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

126 (5) The state planning coordinator shall cooperate with and work in conjunction with
127 appropriate state agencies and political subdivisions to develop policies, plans, programs, ~~[or]~~
128 processes, and desired outcomes authorized by this section ~~[in cooperation with appropriate~~
129 ~~state agencies and political subdivisions]~~ by coordinating the development of positions:

130 (a) through the Resource Development Coordinating Committee;

131 (b) in ~~[consultation]~~ conjunction with local government officials concerning general
132 local government plans; and

133 (c) by soliciting public comment through the Resource Development Coordinating
134 Committee.

135 (6) The state planning coordinator ~~[shall take into consideration the following findings~~
136 ~~in the preparation of]~~ shall recognize and promote the following principles when preparing any
137 policies, plans, programs, ~~[or]~~ processes, or desired outcomes relating to federal lands and
138 natural resources on federal lands pursuant to this section:

139 (a) (i) the citizens of the state are best served by ~~[the application of]~~ applying
140 multiple-use and sustained-yield principles ~~[when making decisions concerning the~~
141 ~~management and use of the lands administered by the Bureau of Land Management and the~~
142 ~~U.S. Forest Service;]~~ in public land use planning and management; and

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

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

148 (B) support valid existing transportation, mineral, and grazing privileges at historic
149 levels or higher;

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

152 (D) are designed to produce and provide the desired vegetation for the watersheds,
153 timber, food, fiber, livestock forage, and wildlife forage, and minerals that are necessary to
154 meet present needs and future economic growth [~~needs;~~] and community expansion[;] without
155 permanent impairment of the productivity of the land; and

156 (E) meet the recreational needs and the personal and business related transportation
157 needs of the citizens of the state [~~without permanent impairment of the productivity of the~~
158 ~~land]~~ by providing access throughout the state;

159 (b) managing public lands for "wilderness characteristics" circumvents the statutory
160 wilderness process and is inconsistent with the multiple-use and sustained-yield management
161 standard that applies to all public Bureau of Land Management and U.S. Forest Service lands
162 that are not wilderness areas or wilderness study areas;

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

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

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

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

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

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

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

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

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

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

179 (j) proper stewardship of the land and natural resources is necessary to ensure [~~a viable~~
180 ~~wildlife population within the state]~~ the health of the watersheds, timber, forage, and wildlife

181 resources to provide for a continuous supply of resources for the people of the state and the
182 people of the local communities who depend on these resources for a sustainable economy;

183 ~~(j)~~ (k) forests, rangelands, timber, and other vegetative resources;

184 (i) provide forage for livestock[;];

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

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

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

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

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

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

198 (ii) the state opposes the relinquishment or retirement of grazing animal unit months in
199 favor of conservation, wildlife, and other uses;

200 (iii) (A) the state favors the best management practices that are jointly sponsored by
201 cattlemen's, sportsmen's, and wildlife management groups such as chaining, logging, seeding,
202 burning, and other direct soil and vegetation prescriptions that are scientifically demonstrated
203 to restore forest and rangeland health, increase forage, and improve watersheds in grazing
204 districts and allotments for the mutual benefit of domestic livestock and wildlife;

205 (B) when practices described in Subsection (6)(m)(iii)(A) increase a grazing
206 allotment's forage beyond the total permitted forage use that was allocated to that allotment in
207 the last federal land use plan or allotment management plan still in existence as of January 1,
208 2005, a reasonable and fair portion of the increase in forage beyond the previously allocated
209 total permitted use should be allocated to wildlife as recommended by a joint, evenly-balanced
210 committee of livestock and wildlife representatives that is appointed and constituted by the
211 governor for that purpose;

212 (iv) the state opposes as irrational, the transfer of grazing animal unit months to
213 wildlife for supposed reasons of rangeland health;

214 (v) reductions in domestic livestock animal unit months must be temporary and
215 scientifically based upon rangeland conditions;

216 (vi) policies, plans, programs, initiatives, resource management plans, and forest plans
217 may not allow the placement of grazing animal unit months in a suspended use category unless
218 there is a rational and scientific determination that the condition of the rangeland allotment or
219 district in question will not sustain the animal unit months sought to be placed in suspended
220 use;

221 (vii) any grazing animal unit months that are placed in a suspended use category should
222 be returned to active use when range conditions improve;

223 (viii) policies, plans, programs, and initiatives related to vegetation management
224 should recognize and uphold the preference for domestic grazing over alternate forage uses in
225 established grazing districts while upholding management practices that optimize and expand
226 forage for grazing and wildlife in conjunction with state wildlife management plans and
227 programs in order to provide maximum available forage for all uses; and

228 (ix) in established grazing districts, animal unit months that have 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 (7) The state planning coordinator shall recognize and promote the following findings
232 in the preparation of any policies, plans, programs, processes, or desired outcomes relating to
233 federal lands and natural resources on federal lands under this section:

234 (a) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports its
235 recognition by the federal government and the public use of R.S.2477 rights-of-way;

236 (b) it is the policy of the state to use reasonable administrative and legal measures to
237 protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to
238 support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way
239 are not recognized or are impaired; and

240 [(†)] (c) transportation and access routes to and across federal lands, including all
241 rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life
242 in [Utah:] the state, and must provide, at a minimum, a network of roads throughout the

243 resource planning area that provides for:

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

245 (ii) reasonable access to a broad range of resources and opportunities throughout the
246 resource planning area, including:

247 (A) livestock operations and improvements;

248 (B) solid, fluid, and gaseous mineral operations;

249 (C) recreational opportunities and operations, including motorized and nonmotorized
250 recreation;

251 (D) search and rescue needs;

252 (E) public safety needs; and

253 (F) access for transportation or wood products to market;

254 (iii) access to federal lands for people with disabilities and the elderly; and

255 (iv) access to state lands and school and institutional trust lands to accomplish the
256 purposes of the acquisition of those lands.

257 ~~[(7)]~~ (8) The state planning coordinator shall ~~[take into consideration]~~ recognize and
258 promote the following findings in the preparation of any ~~[policies,]~~ plans, policies, programs,
259 ~~[or]~~ processes, or desired outcomes relating to federal lands and natural resources on federal
260 lands pursuant to this section:

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

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

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

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

271 ~~[(iii)]~~ (iv) the effects of the addition upon the local and state economies, agricultural
272 and industrial operations and interests, tourism, water rights, water quality, water resource
273 planning, and access to and across river corridors in both upstream and downstream directions

274 from the proposed river segment have been evaluated in detail by the relevant federal agency;
275 ~~[(iv)]~~ (v) it is clearly demonstrated that the provisions and terms of the process for
276 review of potential additions have been applied in a consistent manner by all federal agencies;
277 ~~[and]~~

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

281 (vii) it is clearly demonstrated that the federal agency with management authority over
282 the river segment, and that is proposing the segment for inclusion in the National Wild and
283 Scenic River system, does not impose any special management standard to the river segment
284 unless and until an Act of Congress adds the river segment to the National Wild and Scenic
285 Rivers System;

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

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

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

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

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

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

304 (i) it is clearly demonstrated that the proposed area satisfies all the definitional

305 requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec.
306 1702(a);

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

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

314 (iv) it is clearly demonstrated that the proposed area is limited only to areas that are
315 already developed or used or to areas where no development is required;

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

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

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

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

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

336 [~~(iv)~~] (x) it is clearly demonstrated that the proposed designation;
337 (A) is not a substitute for a wilderness suitability recommendation; [~~and~~]
338 (B) is not a substitute for a former wilderness reinventory area or a citizens' proposed
339 wilderness area or other similar designation; and
340 (C) it is not an excuse or justification to apply de facto wilderness management
341 standards or preserve scenic or wilderness type values; and
342 [~~(v)~~] (xi) the conclusions of all studies are submitted to the state, as a cooperating
343 agency, for review, and the results, in support of or in opposition to, are included in all
344 planning documents;
345 (d) sufficient federal lands are made available for government-to-government
346 exchanges of school and institutional trust lands and federal lands without regard for a
347 resource-to-resource correspondence between the surface or mineral characteristics of the
348 offered trust lands and the offered federal lands;
349 (e) federal agencies should support government-to-government exchanges of land with
350 the state based on a fair process of valuation which meets the fiduciary obligations of both the
351 state and federal governments toward trust lands management, and which assures that revenue
352 authorized by federal statute to the state from mineral or timber production, present or future, is
353 not diminished in any manner during valuation, negotiation, or implementation processes;
354 (f) [~~prime~~] agricultural and grazing lands should continue to produce the food and fiber
355 needed by the citizens of the state and the nation, and the rural character and open landscape of
356 rural Utah should be preserved through a healthy and active agricultural and grazing industry,
357 consistent with private property rights and state fiduciary duties;
358 (g) the resources of the forests and rangelands of the state should be integrated as part
359 of viable, robust, and sustainable state and local economies, and available forage should be
360 evaluated for the full complement of herbivores the rangelands can support in a sustainable
361 manner, and forests should contain a diversity of timber species, and disease or insect
362 infestations in forests should be controlled using logging or other best management practices;
363 (h) the state opposes any additional evaluation of national forest service lands as
364 "roadless" or "unroaded" beyond the forest service's second roadless area review evaluation and
365 opposes efforts by agencies to specially manage those areas in a way that:
366 (i) closes or declassifies existing roads;

- 367 (ii) restricts travel on existing roads;
368 (iii) excludes or diminishes traditional multiple-use activities, including grazing and
369 proper forest harvesting;
370 (iv) interferes with the enjoyment and use of valid, existing rights, including water
371 rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral
372 leasing rights; or
373 (v) prohibits development of additional roads reasonably necessary to pursue
374 traditional multiple-use activities;
375 (i) the state's support for any forest plan revision or amendment will be withheld until
376 the appropriate plan revision or plan amendment environmental impact statement clearly
377 demonstrates that:
378 (i) established roads are not referred to as unclassified roads or a similar classification;
379 (ii) lands in the vicinity of established roads are not classified as roadless or unroaded
380 areas;
381 (iii) lands in the vicinity of established roads are managed under the multiple-use,
382 sustained-yield management standard; and
383 (iv) no roadless or unroaded evaluations or inventories are recognized or upheld
384 beyond those that were recognized or upheld in the forest service's second roadless area review
385 evaluation;
386 ~~(h)~~ (j) the invasion of noxious weeds and undesirable invasive plant species into
387 ~~Utah~~ the state should be reversed, their presence eliminated, and their return prevented;
388 ~~(i)~~ (k) management and resource-use decisions by federal land management and
389 regulatory agencies concerning the vegetative resources within the state should reflect serious
390 consideration of the proper optimization of the yield of water within the watersheds of ~~Utah~~
391 the state;
392 (l) (i) it is the policy of the state that:
393 (A) mineral and energy production and environmental protection are not mutually
394 exclusive;
395 (B) it is technically feasible to permit appropriate access to mineral and energy
396 resources while preserving nonmineral and nonenergy resources;
397 (C) resources management planning should seriously consider all available mineral and

398 energy resources;

399 (D) all resources impacts should be mitigated;

400 [(j)] (E) the development of the solid, fluid, and gaseous mineral resources of the state
401 and the renewable resources of the state should be encouraged[;];

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

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

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

409 (A) that the authorized planning agency has:

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

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

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

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

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

422 (II) other controlling mineral development laws; and

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

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

427 (E) that the authorized planning agency actively considered adopting the least
428 restrictive lease stipulations and conditions necessary to protect against irreparable damage to

429 other significant resource values;

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

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

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

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

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

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

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

447 ~~(m)~~ (o) (i) rights-of-way granted and vested under the provisions of R.S. 2477 should
448 be preserved and acknowledged;

449 (ii) land use management plans, programs, and initiatives should give strong
450 consideration to adopting and fully incorporating county transportation plans in order to
451 provide a network of roads throughout the planning area that provides for:

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

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

455 (C) economic and business needs;

456 (D) public safety;

457 (E) search and rescue;

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

459 (G) access to state lands; and

460 (H) recreational opportunities;

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

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

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

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

472 (iii) [~~that~~] the continued viability of livestock operations and the livestock industry
473 should be supported on the federal lands within [~~Utah~~] the state by management of the lands
474 and forage resources, by the proper optimization of animal unit months for livestock, in
475 accordance with the multiple-use provisions of the Federal Land Policy and Management Act
476 of 1976, 43 U.S.C. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C.
477 315 et seq., and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C.
478 1901 et seq.;

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

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

485 [~~(8)~~] (9) Nothing contained in this section may be construed to restrict or supersede the
486 planning powers conferred upon state departments, agencies, instrumentalities, or advisory
487 councils of the state or the planning powers conferred upon political subdivisions by any other
488 existing law.

489 [~~(9)~~] (10) Nothing in this section may be construed to affect any lands withdrawn from
490 the public domain for military purposes, which are administered by the United States Army,

491 Air Force, or Navy.

Fiscal Note
Bill Number HB0264S01

State Land Use Management Plans Amendments

24-Feb-05

12:19 PM

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