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COUNTY LAND USE PLANS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts a process for a county to recommend to the Legislature proposed congressional land use legislation concerning federal land use within the county.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ enacts a process for a county to recommend to the Legislature proposed congressional land use legislation concerning federal land use within the county;
- ▶ allows a county to prepare a report on and a draft concurrent resolution in support of the proposed congressional land use legislation to the Public Lands Policy Coordinating Office;
- ▶ enacts language relating to the substance of a report prepared by the county;
- ▶ authorizes the Public Lands Policy Coordinating Office to evaluate a report and assist, as requested, the county in preparing a report;
- ▶ requires the Public Lands Policy Coordinating Office to submit a county's report and an evaluation of that report to a legislative committee;
- ▶ enacts language related to a legislative committee's review of the report and possible action on a proposed concurrent resolution;
- ▶ allows the governor to call a special session to consider the concurrent resolution;

and



28 ▶ makes technical corrections.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides an immediate effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **63J-8-102**, as enacted by Laws of Utah 2011, Chapter 49

36 **63J-8-105**, as enacted by Laws of Utah 2011, Chapter 49

37 ENACTS:

38 **63J-8-107**, Utah Code Annotated 1953

39 REPEALS AND REENACTS:

40 **63J-8-106**, as enacted by Laws of Utah 2011, Chapter 49



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

43 Section 1. Section **63J-8-102** is amended to read:

44 **63J-8-102. Definitions.**

45 As used in this chapter:

46 (1) "ACEC" means an area of critical environmental concern as defined in 43 U.S.C.
47 Sec. 1702.

48 (2) "AUM" means animal unit months, a unit of grazing forage.

49 (3) "BLM" means the United States Bureau of Land Management.

50 (4) "BLM recommended wilderness" means a wilderness study area recommended for
51 wilderness designation in the final report of the president of the United States to the United
52 States Congress in 1993.

53 ~~(4)~~ (5) "FLPMA" means the Federal Land Policy Management Act of 1976, 43
54 U.S.C. Sec. 1701 et seq.

55 (6) "Federal land use designation" means one or a combination of the following
56 congressional or federal actions included in proposed congressional land use legislation:

57 (a) designation of wilderness within the National Wilderness Preservation System;

58 (b) designation of a national conservation area;

- 59 (c) designation of a watercourse within the National Wild and Scenic River System;
60 (d) designation of an ACEC;
61 (e) designation of a national monument in accordance with the Antiquities Act of 1906,
62 16 U.S.C. Sec. 431 et seq. or by Congress;
63 (f) designation of a national park within the National Park System; or
64 (g) designation of a national recreational area.
65 [~~5~~] (7) "Forest service" means the United States Forest Service within the United
66 States Department of Agriculture.
67 [~~6~~] (8) "Multiple use" means proper stewardship of the subject lands pursuant to
68 Section 1031(C) of FLPMA, 43 U.S.C. Sec. [~~170~~] 1702(C).
69 (9) "National conservation area" means an area designated by Congress and managed
70 by the BLM.
71 (10) "National wild and scenic river" means a watercourse:
72 (a) identified in a BLM or Forest Service planning process; or
73 (b) designated as part of the National Wild and Scenic River System.
74 (11) "National Wild and Scenic River System" means the National Wild and Scenic
75 River System established in 16 U.S.C. Sec. 1271 et seq.
76 (12) "Office" means the Public Lands Policy Coordinating Office created in Section
77 63J-4-602.
78 [~~7~~] (13) "OHV" means off-highway vehicle as defined in Section 41-22-2.
79 (14) "Proposed congressional land use legislation" means draft congressional
80 legislation prepared by a person that includes a federal land use designation.
81 (15) "RARE II" means the second United States Forest Service Roadless Area Review
82 and Evaluation report of 1984.
83 (16) "R.S. 2477 right-of-way" means a right-of-way established in accordance with 43
84 U.S.C. Sec. 932 repealed by FLPMA 1976.
85 [~~8~~] (17) "Settlement Agreement" means the written agreement between the state and
86 the Department of the Interior in 2003 (revised in 2005) that resolved the case of State of Utah
87 v. Gale Norton, Secretary of Interior (United States District Court, D. Utah, Case No.
88 2:96cv0870).
89 [~~9~~] (18) "SITLA" means the School and Institutional Trust Lands Administration as

90 created in Section 53C-1-201.

91 ~~[(10)]~~ (19) (a) "Subject lands" means the following non-WSA BLM lands:

92 (i) in Beaver County:

93 (A) Mountain Home Range South, Jackson Wash, The Toad, North Wah Wah
94 Mountains, Central Wah Wah Mountains, and San Francisco Mountains according to the
95 region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal
96 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
97 existed on February 17, 2011; and

98 (B) White Rock Range, South Wah Wah Mountains, and Granite Peak according to the
99 region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for
100 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
101 existed on February 17, 2011;

102 (ii) in Box Elder County: Little Goose Creek, Grouse Creek Mountains North, Grouse
103 Creek Mountains South, Bald Eagle Mountain, Central Pilot Range, Pilot Peak, Crater Island
104 West, Crater Island East, Newfoundland Mountains, and Grassy Mountains North according to
105 the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's Proposal
106 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
107 existed on February 17, 2011;

108 (iii) in Carbon County: Desbrough Canyon and Turtle Canyon according to the region
109 map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in
110 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
111 February 17, 2011;

112 (iv) in Daggett County: Goslin Mountain, Home Mountain, Red Creek Badlands,
113 O-wi-yu-kuts, Lower Flaming Gorge, Crouse Canyon, and Diamond Breaks according to the
114 region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for
115 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
116 existed on February 17, 2011;

117 (v) in Duchesne County: Desbrough Canyon according to the region map entitled
118 "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
119 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
120 2011;

121 (vi) in Emery County:

122 (A) San Rafael River and Sweetwater Reef, according to the region map entitled
123 "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in
124 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
125 February 17, 2011;

126 (B) Flat Tops according to the region map entitled "Glen Canyon," which is available
127 by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for
128 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
129 existed on February 17, 2011; and

130 (C) Price River, Lost Spring Wash, Eagle Canyon, Upper Muddy Creek, Molen Reef,
131 Rock Canyon, Mussentuchit Badland, and Muddy Creek, according to the region map entitled
132 "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah"
133 at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
134 2011;

135 (vii) in Garfield County:

136 (A) Pole Canyon, according to the region map entitled "Great Basin South" linked in
137 the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
138 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
139 2011;

140 (B) Dirty Devil, Fiddler Butte, Little Rockies, Cane Spring Desert, and Cane Spring
141 Desert Adjacents, according to the region map entitled "Glen Canyon," which is available by
142 clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for
143 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
144 existed on February 17, 2011;

145 (C) Lampstand, Wide Hollow, Steep Creek, Brinkerhof Flats, Little Valley Canyon,
146 Death Hollow, Studhorse Peaks, Box Canyon, Heaps Canyon, North Escalante Canyon, Colt
147 Mesa, East of Bryce, Slopes of Canaan Peak, Horse Spring Canyon, Muley Twist Flank,
148 Pioneer Mesa, Slopes of Bryce, Blue Hills, Mud Springs Canyon, Carcass Canyon, Willis
149 Creek North, Kodachrome Basin, and Kodachrome Headlands, according to the region map
150 entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's Proposal for
151 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage

152 existed on February 17, 2011; and

153 (D) Notom Bench, Mount Ellen, Bull Mountain, Dogwater Creek, Ragged Mountain,
154 Mount Pennell, Mount Hillers, Bullfrog Creek, and Long Canyon, according to the region map
155 entitled "Henry Mountains" linked at the webpage entitled "Citizen's Proposal for Wilderness
156 in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
157 February 17, 2011;

158 (viii) in Iron County: Needle Mountains, Steamboat Mountain, Broken Ridge, Paradise
159 Mountains, Crook Canyon, Hamlin, North Peaks, Mount Escalante, and Antelope Ridge,
160 according to the region map entitled "Great Basin South" linked in the webpage entitled
161 "Citizen's Proposal for Wilderness in Utah" at
162 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
163 2011;

164 (ix) in Juab County: Deep Creek Mountains, Essex Canyon, Kern Mountains, Wild
165 Horse Pass, Disappointment Hills, Granite Mountain, Middle Mountains, Tule Valley, Fish
166 Springs Ridge, Thomas Range, Drum Mountains, Dugway Mountains, Keg Mountains West,
167 Keg Mountains East, Lion Peak, and Rockwell Little Sahara, according to the region map
168 entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for
169 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
170 existed on February 17, 2011;

171 (x) in Kane County:

172 (A) Willis Creek North, Willis Creek, Kodachrome Badlands, Mud Springs Canyon,
173 Carcass Canyon, Scorpion, Bryce Boot, Paria-Hackberry Canyons, Fiftymile Canyon,
174 Hurricane Wash, Upper Kanab Creek, Timber Mountain, Nephi Point, Paradise Canyon,
175 Wahweap Burning Hills, Fiftymile Bench, Forty Mile Gulch, Sooner Bench 1, 2, & 3, Rock
176 Cove, Warm Bench, Andalex Not, Vermillion Cliffs, Ladder Canyon, The Cockscomb, Nipple
177 Bench, Moquith Mountain, Bunting Point, Glass Eye Canyon, and Pine Hollow, according to
178 the region map entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's
179 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the
180 webpage existed on February 17, 2011; and

181 (B) Orderville Canyon, Jolley Gulch, and Parunuweap Canyon, according to the region
182 map entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness

183 in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
184 February 17, 2011;

185 (xi) in Millard County: Kern Mountains, Wild Horse Pass, Disappointment Hills,
186 Granite Mountain, Middle Mountains, Tule Valley, Swasey Mountain, Little Drum Mountains
187 North, Little Drum Mountains South, Drum Mountains, Snake Valley, Coyote Knoll, Howell
188 Peak, Tule Valley South, Ledger Canyon, Chalk Knolls, Orr Ridge, Notch View, Bullgrass
189 Knoll, Notch Peak, Barn Hills, Cricket Mountains, Burbank Pass, Middle Burbank Hills, King
190 Top, Barn Hills, Red Tops, Middle Burbank Hills, Juniper, Painted Rock Mountain, Black
191 Hills, Tunnel Springs, Red Canyon, Sand Ridge, Little Sage Valley, Cat Canyon, Headlight
192 Mountain, Black Hills, Mountain Range Home North, Tweedy Wash, North Wah Wah
193 Mountains, Jackson Wash, and San Francisco Mountains, according to the region map entitled
194 "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in
195 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
196 February 17, 2011;

197 (xii) in Piute County: Kingston Ridge, Rocky Ford, and Phonolite Hill, according to
198 the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal
199 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
200 existed on February 17, 2011;

201 (xiii) in San Juan County:

202 (A) Horseshoe Point, Deadhorse Cliffs, Gooseneck, Demon's Playground, Hatch
203 Canyon, Lockhart Basin, Indian Creek, Hart's Point, Butler Wash, Bridger Jack Mesa, and Shay
204 Mountain, according to the region map entitled "Canyonlands Basin" linked in the webpage
205 entitled "Citizen's Proposal for Wilderness in Utah" at
206 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
207 2011;

208 (B) Dark Canyon, Copper Point, Fortknocker Canyon, White Canyon, The Needle, Red
209 Rock Plateau, Upper Red Canyon, and Tuwa Canyon, according to the region map entitled
210 "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage
211 entitled "Citizen's Proposal for Wilderness in Utah" at
212 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
213 2011;

214 (C) Hunters Canyon, Behind the Rocks, Mill Creek, and Coyote Wash, according to
215 the region map entitled "Moab/La Sal" linked at the webpage entitled "Citizen's Proposal for
216 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
217 existed on February 17, 2011; and

218 (D) Hammond Canyon, Allen Canyon, Mancos Jim Butte, Arch Canyon, Monument
219 Canyon, Tin Cup Mesa, Cross Canyon, Nokai Dome, Grand Gulch, Fish and Owl Creek
220 Canyons, Comb Ridge, Road Canyon, The Tabernacle, Lime Creek, San Juan River, and
221 Valley of the Gods, according to the region map entitled "San Juan" linked at the webpage
222 entitled "Citizen's Proposal for Wilderness in Utah" at
223 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
224 2011;

225 (xiv) in Sevier County: Rock Canyon, Mussentuchit Badland, Limestone Cliffs, and
226 Jones' Bench, according to the region map entitled "San Rafael Swell" linked at the webpage
227 entitled "Citizen's Proposal for Wilderness in Utah" at
228 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
229 2011;

230 (xv) in Tooele County:

231 (A) Silver Island Mountains, Crater Island East, Grassy Mountains North, Grassy
232 Mountains South, Stansbury Island, Cedar Mountains North, Cedar Mountains Central, Cedar
233 Mountains South, North Stansbury Mountains, Oquirrh Mountains, and Big Hollow, according
234 to the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's
235 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the
236 webpage existed on February 17, 2011, excluding the areas that Congress designated as
237 wilderness under the National Defense Authorization Act for Fiscal Year 2006; and

238 (B) Ochre Mountain, Deep Creek Mountains, Dugway Mountains, Indian Peaks, and
239 Lion Peak, according to the region map entitled "Great Basin Central" linked in the webpage
240 entitled "Citizen's Proposal for Wilderness in Utah" at
241 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
242 2011;

243 (xvi) in Uintah County:

244 (A) White River, Lower Bitter Creek, Sunday School Canyon, Dragon Canyon, Wolf

245 Point, Winter Ridge, Seep Canyon, Bitter Creek, Hideout Canyon, Sweetwater Canyon, and
246 Hell's Hole, according to the region map entitled "Book Cliffs" linked in the webpage entitled
247 "Citizen's Proposal for Wilderness in Utah" at
248 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
249 2011; and

250 (B) Lower Flaming Gorge, Crouse Canyon Stone Bridge Draw, Diamond Mountain,
251 Wild Mountain, Split Mountain Benches, Vivas Cake Hill, Split Mountain Benches South,
252 Beach Draw, Stuntz Draw, Moonshine Draw, Bourdette Draw, and Bull Canyon, according to
253 the region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for
254 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
255 existed on February 17, 2011;

256 (xvii) in Washington County: Cougar Canyon, Docs Pass, Slaughter Creek, Butcher
257 Knife Canyon, Square Top, Scarecrow Creek, Beaver Dam Wash, Beaver Dam Mountains
258 North, Beaver Dam Mountains South, Joshua Tree, Beaver Dam Wilderness Expansion, Red
259 Mountain, Cottonwood Canyon, Taylor Canyon, LaVerkin Creek, Beartrap Canyon, Deep
260 Creek, Black Ridge, Red Butte, Kolob Creek, Goose Creek, Dry Creek, Zion National Park
261 Adjacents, Crater Hill, The Watchman, and Canaan Mountain, according to the region map
262 entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness in
263 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
264 February 17, 2011, excluding the areas that Congress designated as wilderness and
265 conservation areas under the Omnibus Public Lands Management Act of 2009; and

266 (xviii) in Wayne County:

267 (A) Sweetwater Reef, Upper Horseshoe Canyon, and Labyrinth Canyon, according to
268 the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal
269 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
270 existed on February 17, 2011;

271 (B) Flat Tops and Dirty Devil, according to the region map entitled "Glen Canyon,"
272 which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's
273 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the
274 webpage existed on February 17, 2011;

275 (C) Fremont Gorge, Pleasant Creek Bench, Notom Bench, Mount Ellen, and Bull

276 Mountain, according to the region map entitled "Henry Mountains" linked at the webpage
277 entitled "Citizen's Proposal for Wilderness in Utah" at
278 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
279 2011; and

280 (D) Capital Reef Adjacents, Muddy Creek, Wild Horse Mesa, North Blue Flats, Red
281 Desert, and Factory Butte, according to the region map entitled "San Rafael Swell" linked at
282 the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
283 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
284 2011.

285 (b) "Subject lands" also includes all BLM and Forest Service lands in the state that are
286 not Wilderness Area or Wilderness Study Areas;

287 (c) "Subject lands" does not include the following lands that are the subject of
288 consideration for a possible federal lands bill and should be managed according to the 2008
289 Price BLM Field Office Resource Management Plan until a federal lands bill provides
290 otherwise:

291 (i) Turtle Canyon and Desolation Canyon according to the region map entitled "Book
292 Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
293 <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

294 (ii) Labyrinth Canyon, Duma Point, and Horseshoe Point, according to the region map
295 entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness
296 in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February
297 17, 2011; and

298 (iii) Devil's Canyon, Sid's Mountain, Mexican Mountain, San Rafael Reef, Hondu
299 Country, Cedar Mountain, and Wild Horse, according to the region map entitled "San Rafael
300 Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
301 <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011[;].

302 (20) "Wilderness" is as defined in 16 U.S.C. Sec. 1131.

303 [(H)] (21) "Wilderness area" means those BLM and Forest Service lands added to the
304 National Wilderness Preservation System by an act of Congress.

305 (22) "Wilderness Preservation System" means the Wilderness Preservation System
306 established in 16 U.S.C. Sec. 1131 et seq.

307 ~~[(12)]~~ (23) "WSA" and "Wilderness Study Area" mean the BLM lands in Utah that
308 were identified as having the necessary wilderness character and were classified as wilderness
309 study areas during the BLM wilderness review conducted between 1976 and 1993 by authority
310 of ~~[Section 603 of FLPMA]~~ 43 U.S.C. Sec. 1782 and labeled as Wilderness Study Areas within
311 the final report of the President of the United States to the United States Congress in 1993.

312 Section 2. Section **63J-8-105** is amended to read:

313 **63J-8-105. Maps available for public review.**

314 A printed copy of the maps referenced in Subsection 63J-8-102~~[(10)]~~(19) shall be
315 available for inspection by the public at the offices of the Utah Association of Counties.

316 Section 3. Section **63J-8-106** is repealed and reenacted to read:

317 **63J-8-106. County supported federal land use designation proposed in**
318 **congressional land use legislation -- Process for legislative review of proposed federal**
319 **land use within a county.**

320 (1) Notwithstanding any other provision of this chapter, the Legislature may, in
321 accordance with this section, recommend to the Utah congressional delegation proposed
322 congressional land use legislation that is supported by a county.

323 (2) If a county supports proposed congressional land use legislation concerning federal
324 land use within the county, the county may recommend the proposed congressional land use
325 legislation to the Legislature by:

326 (a) preparing a report on the proposed congressional land use legislation in accordance
327 with Subsection (3);

328 (b) drafting a concurrent resolution for a legislative committee's consideration, in
329 accordance with Subsection (7), in support of the proposed congressional land use legislation;
330 and

331 (c) subject to Subsection (4)(a), delivering the report and draft concurrent resolution to
332 the office.

333 (3) The report required in Subsection (2) shall include:

334 (a) a draft of the proposed congressional land use legislation;

335 (b) a detailed description of the land or watercourse proposed for a federal land use
336 designation, including:

337 (i) the total acres of federal land proposed for a federal land use designation;

- 338 (ii) (A) a map showing the location of the land or watercourse; and
- 339 (B) the proposed type of federal land use designation for each location;
- 340 (iii) a proposed land conveyance or land proposed for auction by the BLM, if any; and
- 341 (iv) (A) school and institutional trust land, as defined in Section 53C-1-103, proposed
- 342 for a land exchange, if any; and
- 343 (B) whether the county has coordinated with SITLA on the proposed land exchange;
- 344 (c) an explanation of whether a federal land use designation will assist in resolving
- 345 long-standing public lands issues, such as wilderness disputes, economic development,
- 346 recreational use, and access to public lands;
- 347 (d) a narrative description of the economic, recreational, and cultural impacts, taken as
- 348 a whole, on a county and the state that would occur if Congress adopted the proposed
- 349 congressional land use legislation, including an impact on state revenues;
- 350 (e) an account of actions, if any, proposed in a federal land use designation to minimize
- 351 impacts on:
- 352 (i) resource extraction activities occurring on the land or in the watercourse proposed
- 353 for a federal land use designation, including mining and energy development; and
- 354 (ii) motorized recreational use and public access;
- 355 (f) a summary of potential benefits gained by the county and state if Congress adopts
- 356 the proposed congressional land use legislation;
- 357 (g) a description of the stakeholders and their positions on a federal land use
- 358 designation;
- 359 (h) whether land identified for a federal land use designation is BLM recommended
- 360 wilderness;
- 361 (i) an explanation of what the proposed congressional land use legislation proposes for
- 362 federal land located in the county other than land identified for the federal land use designation;
- 363 (j) (i) a description of the impact that, if adopted by Congress, the proposed
- 364 congressional land use legislation would have on access to roads currently identified as part of
- 365 an adopted county transportation plan as described in Section 63J-4-401; and
- 366 (ii) if a federal land use designation proposes to close a road described in Subsection
- 367 (3)(j)(i), an explanation for the road closure;
- 368 (k) (i) a description of a proposed resolution for an R.S. 2477 right-of-way, if any,

369 located within the area identified in a federal land use designation; and
370 (ii) whether a proposed resolution described in Subsection (3)(k)(i) would include a
371 quiet title action concerning an R.S. 2477 right-of-way;
372 (l) an explanation of whether a federal land use designation proposes a hard release of
373 all public lands and watercourses not included in the federal land use designation, placing the
374 land and watercourses in multiple use management;
375 (m) an explanation of whether a federal land use designation proposes a prohibition on
376 further federal action under the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq.;
377 (n) a narrative description of a federal land use designation's interaction with, if any, a
378 regional haze rule adopted by the United States Environmental Protection Agency;
379 (o) an explanation of whether a federal land use designation would authorize best
380 management practices as part of an active effort to control on the land or watercourse proposed
381 for a federal land use designation:
382 (i) wildfire;
383 (ii) invasive species, including insects; and
384 (iii) disease;
385 (p) if applicable, a statement as to whether a federal land use designation would allow
386 for the continuation of existing grazing permits;
387 (q) a statement as to the presence or need of passive water management facilities or
388 activities for livestock or wildlife, such as guzzlers or fencing, for the management of wildlife
389 or livestock;
390 (r) if a federal land use designation identifies land that has oil, gas, or mineral deposits,
391 an explanation as to why the federal land use designation includes the land;
392 (s) (i) a statement as to whether a federal land use designation:
393 (A) affects land or a watercourse located exclusively within the county; or
394 (B) affects, whether by an actual federal land use designation or by implication if a
395 federal land use designation is adopted, land or a watercourse located in another county; and
396 (ii) if the land use proposal would affect land or a watercourse located in another
397 county, whether that county supports the proposed congressional land use legislation; and
398 (t) an explanation of whether a proposed land use designation designates land as
399 wilderness in the National Wilderness Preservation System or designates land as a national

400 conservation area that is not part of:

401 (i) BLM recommended wilderness; or

402 (ii) Forest Service land recommended for wilderness designation in RARE II.

403 (4) (a) No later than 90 days before delivering a report and draft concurrent resolution

404 in accordance with Subsection (2), a county shall contact and inform the office of the county's

405 intention to prepare and deliver the report and draft concurrent resolution.

406 (b) The office may give general guidance to a county described in Subsection (4)(a), as

407 requested, as to compliance with this section.

408 (5) The office shall prepare an evaluation of the county's report, including whether the

409 county has addressed each matter described in Subsection (3).

410 (6) The office shall deliver the evaluation described in Subsection (5), including a copy

411 of the county's report, the proposed congressional land use legislation, and the draft concurrent

412 resolution, no later than 30 days after receiving the county's report:

413 (a) if the Legislature is not in session, and subject to Subsection (6)(b), the chair of the

414 Natural Resources, Agriculture, and Environment Interim Committee; or

415 (b) if the Legislature is in session or there are no scheduled meetings of the Natural

416 Resources, Agriculture, and Environment Interim Committee before the beginning of the next

417 legislative session, to the chair of either the House Natural Resources, Agriculture, and

418 Environment Committee or the Senate Natural Resources, Agriculture, and Environment

419 Committee.

420 (7) At a committee's next scheduled meeting after receiving a report, the draft

421 concurrent resolution, and a copy of the proposed congressional land use legislation, the

422 committee shall:

423 (a) review:

424 (i) the county's report;

425 (ii) the draft concurrent resolution, if the concurrent resolution has a legislative

426 sponsor; and

427 (iii) the office's evaluation;

428 (b) if the draft concurrent resolution is presented to the committee, consider whether to

429 approve, reject, or recommend modifications to the draft concurrent resolution; and

430 (c) take any additional action the committee finds necessary.

431 (8) The governor may call a special session to consider the concurrent resolution
432 presented to and approved by a committee described in Subsection (7).

433 (9) If the legislation described in Subsection (8) is adopted by the Legislature and
434 signed by the governor, the Office of the Governor shall forward a copy of the concurrent
435 resolution, the county's report, and the proposed congressional land use legislation to Utah's
436 congressional delegation.

437 Section 4. Section **63J-8-107** is enacted to read:

438 **63J-8-107. Authority of the governor.**

439 Nothing in this chapter may be construed to alter, affect, or diminish the authority of the
440 governor.

441 Section 5. **Effective date.**

442 If approved by two-thirds of all the members elected to each house, this bill takes effect
443 upon approval by the governor, or the day following the constitutional time limit of Utah
444 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
445 the date of veto override.

Legislative Review Note
as of 2-8-12 12:19 PM

Office of Legislative Research and General Counsel