

1                   **STATE OF UTAH TRANSPORTATION PLAN FOR THE**  
2                                   **DIXIE NATIONAL FOREST**

3   2014 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Michael E. Noel**

6                                   Senate Sponsor: Evan J. Vickers

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8   **LONG TITLE**

9   **General Description:**

10           This bill modifies the State of Utah Resource Management Plan for Federal Lands code  
11 by enacting provisions relating to a state transportation plan for Dixie National Forest.

12   **Highlighted Provisions:**

13           This bill:

- 14           ▶ establishes and designates a State of Utah Transportation Plan for the Dixie  
15 National Forest;
- 16           ▶ describes the purposes and map locations of the State of Utah Transportation Plan  
17 for the Dixie National Forest;
- 18           ▶ recognizes that the State of Utah Transportation Plan for the Dixie National Forest  
19 conflicts with the United States Forest Service's recent motorized travel plan for the  
20 Dixie National Forest;
- 21           ▶ requests that federal agencies:
  - 22           • fully cooperate and coordinate with the state of Utah and the respective counties  
23 in which these ranger districts lie, to develop, amend, and implement United  
24 States Forest Service land and resource management plans and transportation  
25 plans;
  - 26           • enter into agreements regarding the maintenance, upkeep, and improvement of  
27 roads in these ranger districts;



- 28 • refrain from any planning decisions and management actions that will
- 29 undermine, restrict, or diminish the goals, purposes, and policies as stated in this
- 30 section; and
- 31 • refrain from implementing a policy that is contrary to the goals and purposes
- 32 described within this bill;
- 33 ▶ encourages applicable federal, state, and local agencies to coordinate with each
- 34 other and establish applicable intergovernmental standing commissions to
- 35 coordinate and achieve consistency in planning decisions and management actions
- 36 consistent with the goals and policies of this section for the Cedar City, Powell,
- 37 Escalante, and Fremont ranger districts of the Dixie National Forest.

38 **Money Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 ENACTS:

44 **63J-8-105.9**, Utah Code Annotated 1953



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

47 Section 1. Section **63J-8-105.9** is enacted to read:

48 **63J-8-105.9. State of Utah Transportation Plan for the Cedar City, Powell,**  
49 **Escalante, and Fremont ranger districts of the Dixie National Forest.**

50 (1) (a) The state of Utah designates this state of Utah transportation plan for the Cedar  
51 City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest.

52 (b) The plan was established pursuant to:

53 (i) the requirement in the United States Forest Service's Multiple-Use Sustained-Yield  
54 Act of 1960, 16 U.S.C. Sec. 528, that lands within the national forests be managed according to  
55 the principles of multiple use; and

56 (ii) the right which FLPMA, the National Environmental Policy Act, 42 U.S.C. Sec.  
57 4321 et seq., and the Federal Advisory Committee Act, 5 U.S.C. Appendix 2, give to state and  
58 local governments to participate in all BLM and United States Forest Service efforts to plan for

59 the responsible use of BLM and United States Forest Service lands and the requirement that  
60 BLM and the United States Forest Service coordinate planning efforts with those of state and  
61 local governments.

62 (c) This section is a statement of the state of Utah's policy and plan for a desired  
63 transportation system for the Cedar City, Powell, Escalante, and Fremont ranger districts of the  
64 Dixie National Forest.

65 (d) This section does not mandate compliance with this policy by the United States  
66 Forest Service nor does it override or usurp the United States Forest Service's authority within  
67 this area.

68 (e) This section is a statement of state policy for use by the United States Forest  
69 Service and other interested stakeholders as required by federal law in making planning  
70 decisions and project management decisions within the Cedar City, Powell, Escalante, and  
71 Fremont ranger districts of the Dixie National Forest.

72 (2) There is established and designated a state of Utah transportation plan for the Cedar  
73 City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest in Garfield,  
74 Iron, Kane, and Wayne counties, Utah for the purpose of:

75 (a) preserving and protecting against threats to the longstanding transportation  
76 networks that have served the public for decades within these ranger districts;

77 (b) preserving and protecting against threats to the longstanding traditional recreation  
78 resource values that have served the public for decades within these ranger districts;

79 (c) preserving and protecting against threats to the longstanding public road access that  
80 is vital to the agricultural livestock and forest products industries within these ranger districts;

81 (d) preserving and protecting against threats to the significant history, culture, customs,  
82 and economic values in these ranger districts, and in the various communities situated near  
83 these ranger districts;

84 (e) preserving and protecting against threats to the civil rights of the disabled, the  
85 elderly, and the economically disadvantaged to have access to the great outdoor resource and  
86 values existing in these ranger districts;

87 (f) preserving and protecting against threats to road networks vital to restoring,  
88 reclaiming, preserving, protecting, enhancing, and developing the state's water resources on the  
89 watersheds existing within these ranger districts;

90 (g) protecting, preserving, and enhancing affected natural, historical, and cultural  
91 activities within these ranger districts from ongoing threats; and

92 (h) preserving and protecting the longstanding network of publicly accessible roads  
93 within these ranger districts, in order to protect:

94 (i) the health, safety, and welfare of citizens who live near these ranger districts, and  
95 persons who visit and recreate therein, from the threat of catastrophic fire and its resulting  
96 problems of watershed and habitat destruction, erosion, silt load, and flooding, which can only  
97 be managed, prevented, combatted, and mitigated through a proper transportation network  
98 throughout these ranger districts; and

99 (ii) hunter access for wildlife target harvest hunts to control wildlife populations and  
100 enhance forage conditions for livestock grazing.

101 (3) The state of Utah transportation plan for the Cedar City, Powell, Escalante, and  
102 Fremont ranger districts of the Dixie National Forest consists of all roads shown in the map  
103 jointly prepared by the Garfield, Iron, Kane, and Wayne County GIS departments in February  
104 2014, entitled "State of Utah Transportation Plan for Dixie National Forest," printed copies of  
105 which will be maintained by the Utah Association of Counties and made available to the public  
106 upon request.

107 (4) (a) (i) The map described in Subsection (3) also documents the move by Dixie  
108 National Forest to close and otherwise deny the public's longstanding access to many of the  
109 roads shown on the map in the Cedar City, Powell, Escalante, and Fremont ranger districts, by  
110 reason of the United States Forest Service's implementing a recent motorized travel plan for the  
111 Dixie National Forest.

112 (ii) These closures and other denials of public road access through the motorized travel  
113 plan of the Dixie National Forest constitute an ongoing direct threat to the resources and values  
114 referenced in Subsection (2).

115 (b) The state of Utah's transportation plan for these ranger districts conflicts with the  
116 United States Forest Service's recent motorized travel plan for the Dixie National Forest.

117 (c) The state of Utah's transportation plan for these ranger districts recognizes that all  
118 roads shown on the map referenced in Subsection (3) should be kept open to the public.

119 (5) The state finds that keeping open to the public all roads shown on the map  
120 referenced in Subsection (3) is necessary and vital to preserve and protect the values cited in

121 Subsection (2).

122 (6) The state requests that the federal agencies that administer lands within the Cedar  
123 City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest:

124 (a) fully cooperate and coordinate with the state of Utah and the respective counties in  
125 which these ranger districts lie, to develop, amend, and implement United States Forest Service  
126 land and resource management plans and transportation plans, and implement management  
127 decisions pursuant to those plans, that are consistent with the purposes, goals, and policies  
128 described in this section to the maximum extent allowed under federal law;

129 (b) enter into agreements regarding the maintenance, upkeep, and improvement of  
130 roads in these ranger districts;

131 (c) refrain from any planning decisions and management actions that will undermine,  
132 restrict, or diminish the goals, purposes, and policies as stated in this section; and

133 (d) refrain from implementing a policy that is contrary to the goals and purposes  
134 described within this section.

135 (7) State agencies, such as the Department of Transportation, the Department of  
136 Natural Resources, the Division of Wildlife Resources, the Division of Forestry, Fire, and State  
137 Lands, and the Department of Agriculture and Food, should also coordinate with each other,  
138 with counties where these zones are situated, and with applicable federal agencies to develop,  
139 amend, and implement policies and management decisions that are consistent with the  
140 purposes, goals, and policies described in this section.

141 (8) (a) The state recognizes the importance of longstanding road networks in all  
142 national forests in the state but establishes this transportation plan to provide special protection  
143 and preservation against the identified threats found to exist in the Cedar City, Powell,  
144 Escalante, and Fremont ranger districts of the Dixie National Forest.

145 (b) It is the intent of the state to designate additional forest transportation plans in  
146 future years as circumstances warrant their special protection and preservation.

147 (9) The state calls upon applicable federal, state, and local agencies to coordinate with  
148 each other and establish applicable intergovernmental standing commissions, with membership  
149 consisting of representatives from the United States government, the state of Utah, and local  
150 governments, to coordinate and achieve consistency in planning decisions and management  
151 actions consistent with the goals and policies of this section for the Cedar City, Powell,

152 Escalante, and Fremont ranger districts of the Dixie National Forest.

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**Legislative Review Note**  
**as of 2-25-14 2:14 PM**

**Office of Legislative Research and General Counsel**