

1 **STATEWIDE RESOURCE MANAGEMENT PLAN ADOPTION**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Keven J. Stratton**

5 Senate Sponsor: _____

6

LONG TITLE

7 **General Description:**

8 This bill adopts the statewide resource management plan.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ adopts the statewide resource management plan, on file with the Public Lands

12 Policy Coordinating Office;

13 ▶ requires the Public Lands Policy Coordinating Office, as funding allows, to monitor
14 the implementation of the statewide resource management plan at the state and local
15 levels;

16 ▶ creates a reporting requirement for the Public Lands Policy Coordinating Office to
17 the Commission for the Stewardship of Public Lands; and

18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **63J-4-603**, as last amended by Laws of Utah 2015, Chapter 283

26 **63J-4-607**, as last amended by Laws of Utah 2016, Chapter 265



28 ENACTS:

29 [63L-10-101](#), Utah Code Annotated 1953

30 [63L-10-102](#), Utah Code Annotated 1953

31 [63L-10-103](#), Utah Code Annotated 1953

32 [63L-10-104](#), Utah Code Annotated 1953

33

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

35 Section 1. Section **63J-4-603** is amended to read:

36 **63J-4-603. Powers and duties of coordinator and office.**

37 (1) The coordinator and the office shall:

38 (a) make a report to the Constitutional Defense Council created under Section
39 [63C-4a-202](#) concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter
40 4a, Constitutional and Federalism Defense Act;

41 (b) provide staff assistance to the Constitutional Defense Council created under Section
42 [63C-4a-202](#) for meetings of the council;

43 (c) (i) prepare and submit a constitutional defense plan under Section [63C-4a-403](#); and

44 (ii) execute any action assigned in a constitutional defense plan;

45 (d) under the direction of the state planning coordinator, assist in fulfilling the state
46 planning coordinator's duties outlined in Section [63J-4-401](#) as those duties relate to the
47 development of public lands policies by:

48 (i) developing cooperative contracts and agreements between the state, political
49 subdivisions, and agencies of the federal government for involvement in the development of
50 public lands policies;

51 (ii) producing research, documents, maps, studies, analysis, or other information that
52 supports the state's participation in the development of public lands policy;

53 (iii) preparing comments to ensure that the positions of the state and political
54 subdivisions are considered in the development of public lands policy;

55 (iv) partnering with state agencies and political subdivisions in an effort to:

56 (A) prepare coordinated public lands policies;

57 (B) develop consistency reviews and responses to public lands policies;

58 (C) develop management plans that relate to public lands policies; and

- 59 (D) develop and maintain a statewide land use plan that is based on cooperation and in
60 conjunction with political subdivisions; and
- 61 (v) providing other information or services related to public lands policies as requested
62 by the state planning coordinator;
- 63 (e) facilitate and coordinate the exchange of information, comments, and
64 recommendations on public lands policies between and among:
- 65 (i) state agencies;
- 66 (ii) political subdivisions;
- 67 (iii) the Office of Rural Development created under Section [63N-4-102](#);
- 68 (iv) the Resource Development Coordinating Committee created under Section
69 [63J-4-501](#);
- 70 (v) School and Institutional Trust Lands Administration created under Section
71 [53C-1-201](#);
- 72 (vi) the committee created under Section [63F-1-508](#) to award grants to counties to
73 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
- 74 (vii) the Constitutional Defense Council created under Section [63C-4a-202](#);
- 75 (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,
76 Chapter 8, Part 4, Historic Sites;
- 77 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
78 archaeological resources;
- 79 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 80 (i) report annually, or more often if necessary or requested, concerning the office's
81 activities and expenditures to:
- 82 (i) the Constitutional Defense Council; and
- 83 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
84 Committee jointly with the Constitutional Defense Council;
- 85 (j) make grants of up to 16% of the office's total annual appropriations from the
86 Constitutional Defense Restricted Account to a county or statewide association of counties to
87 be used by the county or association of counties for public lands matters if the coordinator,
88 with the advice of the Constitutional Defense Council, determines that the action provides a
89 state benefit;

90 (k) provide staff services to the Snake Valley Aquifer Advisory Council created in
91 Section 63C-12-103;

92 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section
93 63C-12-107; [~~and~~]

94 (m) conduct the public lands transfer study and economic analysis required by Section
95 63J-4-606[~~;~~]; and

96 (n) fulfill the duties described in Section 63L-10-103.

97 (2) The coordinator and office shall comply with Subsection 63C-4a-203(8) before
98 submitting a comment to a federal agency, if the governor would be subject to Subsection
99 63C-4a-203(8) if the governor were submitting the material.

100 (3) The office may enter into a contract or other agreement with another state agency to
101 provide information and services related to:

102 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
103 Classification Act;

104 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
105 Classification Act, or R.S. 2477 matters; or

106 (c) any other matter within the office's responsibility.

107 Section 2. Section 63J-4-607 is amended to read:

108 **63J-4-607. Resource management plan administration.**

109 (1) The office shall consult with the Commission for the Stewardship of Public Lands
110 before expending funds appropriated by the Legislature for the implementation of this section.

111 (2) To the extent that the Legislature appropriates sufficient funding, the office may
112 procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah
113 Procurement Code, to assist the office with the office's responsibilities described in Subsection

114 (3).

115 (3) The office shall:

116 (a) assist each county with the creation of the county's resource management plan by:

117 (i) consulting with the county on policy and legal issues related to the county's resource
118 management plan; and

119 (ii) helping the county ensure that the county's resource management plan meets the
120 requirements of Subsection 17-27a-401(3);

121 (b) promote quality standards among all counties' resource management plans; and

122 (c) upon submission by a county, review and verify the county's:

123 (i) estimated cost for creating a resource management plan; and

124 (ii) actual cost for creating a resource management plan.

125 (4) (a) A county shall cooperate with the office, or an entity procured by the office
126 under Subsection (2), with regards to the office's responsibilities under Subsection (3).

127 (b) To the extent that the Legislature appropriates sufficient funding, the office may, in
128 accordance with Subsection (4)(c), provide funding to a county before the county completes a
129 resource management plan.

130 (c) The office may provide pre-completion funding described in Subsection (4)(b):

131 (i) after:

132 (A) the county submits an estimated cost for completing the resource management plan
133 to the office; and

134 (B) the office reviews and verifies the estimated cost in accordance with Subsection
135 (3)(c)(i); and

136 (ii) in an amount up to:

137 (A) 50% of the estimated cost of completing the resource management plan, verified
138 by the office; or

139 (B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.

140 (d) To the extent that the Legislature appropriates sufficient funding, the office shall
141 provide funding to a county in the amount described in Subsection (4)(e) after:

142 (i) a county's resource management plan:

143 (A) meets the requirements described in Subsection 17-27a-401(3); and

144 (B) is adopted under Subsection 17-27a-404(6)(d);

145 (ii) the county submits the actual cost of completing the resource management plan to
146 the office; and

147 (iii) the office reviews and verifies the actual cost in accordance with Subsection
148 (3)(c)(ii).

149 (e) The office shall provide funding to a county under Subsection (4)(d) in an amount
150 equal to the difference between:

151 (i) the lesser of:

152 (A) the actual cost of completing the resource management plan, verified by the office;

153 or

154 (B) \$50,000; and

155 (ii) the amount of any pre-completion funding that the county received under

156 Subsections (4)(b) and (c).

157 (5) To the extent that the Legislature appropriates sufficient funding, after the deadline
158 established in Subsection 17-27a-404(6)(d) for a county to adopt a resource management plan,
159 the office shall:

160 (a) obtain a copy of each county's resource management plan;

161 (b) create a statewide resource management plan that:

162 (i) meets the same requirements described in Subsection 17-27a-401(3); and

163 (ii) to the extent reasonably possible, coordinates and is consistent with any resource
164 management plan or land use plan established under Chapter 8, State of Utah Resource
165 Management Plan for Federal Lands; and

166 (c) submit a copy of the statewide resource management plan to the Commission for
167 the Stewardship of Public Lands for review.

168 (6) Following review of the statewide resource management plan, the Commission for
169 the Stewardship of Public Lands shall prepare a concurrent resolution approving the statewide
170 resource management plan for consideration during the 2018 General Session.

171 (7) To the extent that the Legislature appropriates sufficient funding, the office shall
172 provide legal support to a county that becomes involved in litigation with the federal
173 government over the requirements of Subsection 17-27a-405(3).

174 (8) After the statewide resource management plan is approved, as described in
175 Subsection (6), and to the extent that the Legislature appropriates sufficient funding, the office
176 shall monitor the implementation of the statewide resource management plan at the federal,
177 state, and local levels.

178 Section 3. Section 63L-10-101 is enacted to read:

179 **CHAPTER 10. STATEWIDE RESOURCE MANAGEMENT PLAN**

180 **63L-10-101. Title.**

181 This chapter is known as "Statewide Resource Management Plan."

182 Section 4. Section 63L-10-102 is enacted to read:

183 **63L-10-102. Definitions.**

184 As used in this section:

185 (1) "Commission" means the Commission for the Stewardship of Public Lands.

186 (2) "Office" means the Public Lands Policy Coordinating Office established in Section

187 [63J-4-602](#).

188 (3) "Plan" means the statewide resource management plan, created pursuant to Section

189 [63J-4-607](#) and adopted in Section [63L-10-103](#).

190 Section 5. Section **63L-10-103** is enacted to read:

191 **63L-10-103. Statewide resource management plan adopted.**

192 (1) The statewide resource management plan, dated January 2, 2018, and on file with
193 the office, is hereby adopted.

194 (2) The office shall, to the extent possible and as funding allows, monitor federal, state,
195 and local government compliance with the plan.

196 (3) If the office modifies the report, the office shall notify the commission of the
197 modification and the office's reasoning for the modification within 30 days of the day on which
198 the modification is made.

199 (4) (a) The commission may request additional information of the office regarding any
200 modifications to the plan, as described in Subsection (3).

201 (b) The office shall promptly respond to any request for additional information, as
202 described in Subsection (4)(a).

203 (c) The commission may make a recommendation that the Legislature approve a
204 modification or disapprove a modification, or the commission may decline to take action.

205 (5) The office shall annually:

206 (a) prepare a report detailing what changes, if any, are recommended for the plan and
207 deliver the report to the commission by October 31; and

208 (b) report on the implementation of the plan at the federal, state, and local levels to the
209 commission by October 31.

210 (6) If the commission makes a recommendation that the Legislature approve a
211 modification, the commission shall prepare a bill in anticipation of the annual general session
212 of the Legislature to implement the change.

213 Section 6. Section **63L-10-104** is enacted to read:

214 63L-10-104. Policy statement.

215 (1) Except as provided in Subsection (2), state agencies and political subdivisions shall
216 refer to and comply with the statewide resource management plan when making plans for
217 public lands or other public resources in the state.

218 (2) (a) A state agency or political subdivision that seeks to deviate from the
219 recommendations in the plan shall request a variance from the office and provide an
220 explanation as to why the state agency or political subdivision needs the variance.

221 (b) The office shall make a determination:

222 (i) whether the state agency or political subdivision merits a variance from the plan;
223 and

224 (ii) whether the plan should be modified pursuant to Section [63L-10-103](#), based on the
225 state agency or political subdivision's request.

Legislative Review Note
Office of Legislative Research and General Counsel