

Representative Keven J. Stratton proposes the following substitute bill:

STATEWIDE RESOURCE MANAGEMENT PLAN ADOPTION

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill adopts the statewide resource management plan.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ adopts the statewide resource management plan, on file with the Public Lands Policy Coordinating Office;
- ▶ requires the Public Lands Policy Coordinating Office, as funding allows, to monitor the implementation of the statewide resource management plan at the state and local levels;
- ▶ creates a reporting requirement for the Public Lands Policy Coordinating Office to the Commission for the Stewardship of Public Lands; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **63J-4-603**, as last amended by Laws of Utah 2015, Chapter 283

28 **63J-4-607**, as last amended by Laws of Utah 2016, Chapter 265

29 ENACTS:

30 **63L-10-101**, Utah Code Annotated 1953

31 **63L-10-102**, Utah Code Annotated 1953

32 **63L-10-103**, Utah Code Annotated 1953

33 **63L-10-104**, Utah Code Annotated 1953



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

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

37 **63J-4-603. Powers and duties of coordinator and office.**

38 (1) The coordinator and the office shall:

39 (a) make a report to the Constitutional Defense Council created under Section
40 **63C-4a-202** concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter
41 4a, Constitutional and Federalism Defense Act;

42 (b) provide staff assistance to the Constitutional Defense Council created under Section
43 **63C-4a-202** for meetings of the council;

44 (c) (i) prepare and submit a constitutional defense plan under Section **63C-4a-403**; and

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

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

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

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

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

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

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

88 be used by the county or association of counties for public lands matters if the coordinator,
89 with the advice of the Constitutional Defense Council, determines that the action provides a
90 state benefit;

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

93 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section
94 [63C-12-107](#); [~~and~~]

95 (m) conduct the public lands transfer study and economic analysis required by Section
96 [63J-4-606](#)[~~;~~]; and

97 (n) fulfill the duties described in Section [63L-10-103](#).

98 (2) The coordinator and office shall comply with Subsection [63C-4a-203](#)(8) before
99 submitting a comment to a federal agency, if the governor would be subject to Subsection
100 [63C-4a-203](#)(8) if the governor were submitting the material.

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

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

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

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

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

109 **63J-4-607. Resource management plan administration.**

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

112 (2) To the extent that the Legislature appropriates sufficient funding, the office may
113 procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah
114 Procurement Code, to assist the office with the office's responsibilities described in Subsection
115 (3).

116 (3) The office shall:

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

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

119 management plan; and

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

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

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

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

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

126 (4) (a) A county shall cooperate with the office, or an entity procured by the office

127 under Subsection (2), with regards to the office's responsibilities under Subsection (3).

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

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

132 (i) after:

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

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

137 (ii) in an amount up to:

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

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

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

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

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

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

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

148 (iii) the office reviews and verifies the actual cost in accordance with Subsection

149 (3)(c)(ii).

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

152 (i) the lesser of:

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

154 or

155 (B) \$50,000; and

156 (ii) the amount of any pre-completion funding that the county received under
157 Subsections (4)(b) and (c).

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

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

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

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

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

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

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

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

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

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

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

181 **63L-10-101. Title.**

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

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

184 **63L-10-102. Definitions.**

185 As used in this chapter:

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

187 (2) "Office" means the Public Lands Policy Coordinating Office established in Section
188 63J-4-602.

189 (3) "Plan" means the statewide resource management plan, created pursuant to Section
190 63J-4-607 and adopted in Section 63L-10-103.

191 (4) "Public lands" means:

192 (a) land other than a national park that is managed by the United States Parks Service;

193 (b) land that is managed by the United States Forest Service; and

194 (c) land that is managed by the Bureau of Land Management.

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

196 **63L-10-103. Statewide resource management plan adopted.**

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

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

201 (3) If the office modifies the plan, the office shall notify the commission of the
202 modification and the office's reasoning for the modification within 30 days of the day on which
203 the modification is made.

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

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

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

210 (5) The office shall annually:

211 (a) prepare a report detailing what changes, if any, are recommended for the plan and

212 deliver the report to the commission by October 31; and

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

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

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

219 **63L-10-104. Policy statement.**

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

223 (2) (a) The office shall, as funding allows, maintain a record of all state agency and
224 political subdivision resource management plans and relevant documentation.

225 (b) On an ongoing basis, state agencies and political subdivisions shall keep the office
226 informed of any substantive modifications to their resource management plans.

227 (c) On or before October 31 of each year, the office shall provide a report to the
228 commission that includes the following:

229 (i) any modifications to the state agency or political subdivision resource management
230 plans that are inconsistent with the statewide resource management plan;

231 (ii) a recommendation as to how an inconsistency identified under Subsection (2)(c)(i),
232 if any, should be addressed; and

233 (iii) a recommendation:

234 (A) as to whether the statewide resource management plan should be modified to
235 address any inconsistency identified under Subsection (2)(c)(i); or

236 (B) on any other modification to the statewide resource management plan the office
237 determines is necessary.

238 (3) (a) Subject to Subsection (3)(b), nothing in this section preempts the authority
239 granted to a political subdivision under:

240 (i) Title 10, Chapter 8, Powers and Duties of Municipalities, or Title 10, Chapter 9a,
241 Municipal Land Use, Development, and Management Act; or

242 (ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

243 (b) Federal regulations state that, when state and local government policies, plans, and
244 programs differ, those of higher authority will normally be followed.