

Plan for Study and Economic Analysis of Transfer of Public Lands

(H.B. 142)

The movement toward accomplishing a transfer of certain public lands held by the federal government in the State of Utah was commenced in the 2012 Utah General Legislative Session with the passage of H.B. 148 "Transfer of Public Lands Act and Related Study" (the "Act"). *Utah Code* § 63L-6-101 *et. seq.* The Act requires the federal government to "extinguish title" and to "transfer title to certain public lands to the state" on or before December 14, 2014. The Act does not affect the ownership of or request transfer of title to national parks, certain national monuments, wilderness areas, Department of Defense lands and tribal lands.

In anticipation of such a transfer, the Act directed the Constitutional Defense Council ("CDC") to prepare a study and proposed legislation of issues to be addressed from the transfer of title to the public lands. The CDC presented preliminary reports on its study and preparation of proposed legislation as required under the Act at the June and September 2012 Interim meetings of the Natural Resources, Agriculture and Environment Interim Committee and to the Education Interim Committee (collectively the "Committees"). A final written report containing recommendations and proposed legislation was presented to the Committees and approved in November 2012 (the "Report"). A case statement of the policy considerations behind the Act was also presented. The Report acknowledged that the issues raised by the Act could not be fully studied within the time periods set forth in the act and recommended that further study and an economic analysis of the transfer of certain public lands be conducted. The Report also included proposed legislation for the creation of a new Public Lands Commission to undertake the recommended further study.

Following the issuance of the Report, in the 2013 General Session, the Utah Legislature passed H.B. 142, "Public Lands Policy Coordinating Office Amendments" (the "Amendments"). *Utah Code* § 63J-4-603; 606. The Amendments direct the Public Lands Policy Coordinating Office ("PLPCO") to "conduct a study and economic analysis of the ramifications and economic impacts or the transfer of public lands." *Utah Code* § 63J-4-606(2)(a)(i). The study and economic analysis is to consider and determine certain listed factors. *Utah Code* § 63J-4-606(2)(b).

The Amendments also direct PLPCO to consult with county representatives on an ongoing basis regarding consideration and incorporation of county land use and planning. *Utah Code* § 63J-4-606(2)(a)(ii). The study and economic analysis is to be submitted to the governor and the Natural Resources, Agriculture and Environment Interim Committee before November 30, 2014. *Utah Code* § 63J-4-606(5).

PLPCO has undertaken or will commence the following actions to advance the directives of the Amendments:

1. PLPCO has met with and is in the process of finalizing contracts for the retention of economists from the University of Utah and Utah State University to investigate the state and federal budgets, costs, expenditures and profits for the various multiple uses of public lands such as oil, gas and mining, grazing, hunting, fishing, recreation and other rights and interests on public lands.

2. The economists will collect data, sort and analyze information and conduct theoretical economic modeling to assess the economic impact of those rights and interests on state, county and local economies.
3. The economists will examine the contribution of tourism and outdoor recreation to state and local economies and the quality of life of Utah citizens.
4. PLPCO has held meetings with various interested parties, such as oil, gas, mining, farming, ranching interests and outdoor recreationalists to obtain information and input regarding issues, questions, suggestions and concerns. Additional meetings with interested parties will be scheduled.
5. PLPCO has met with and will continue to meet with local governments, the State School and Institutional Trust Lands Administration and water managers to obtain and discuss information, receive input regarding their issues, questions and concerns and to elicit suggestions regarding land management alternatives.
6. PLPCO is in the process of developing a process to obtain input from Utah citizens.
7. PLPCO and the Attorney General's Office will provide legal research regarding the process for the physical and legal transfer of title and how that transfer is to be documented and evidenced.
8. PLPCO will research issues and alternatives in order to propose methods for the creation of a permanent state framework to oversee the transfer of public lands and the transition from federal to state ownership and management.
9. PLPCO will also gather data and resources from other sources within state agencies where internal expertise on particular issues can be accessed and utilized.
10. The economists will prepare ongoing reports to document progress throughout the preparation of the anticipated reports.
11. PLPCO will submit final findings and research to the governor and the Legislature's National Resources, Agriculture and Environment Interim Committee before November 30, 2014.