

# PUBLIC LANDS LITIGATION

EXECUTIVE OFFICES & CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE  
STAFF: ZACKERY KING

BUDGET BRIEF

## SUMMARY

The purpose of the Public Lands Litigation line item is to provide funds for challenging ownership of certain lands by the federal government.

During the 2010 General Session the Legislature passed House Bill 324, "Public Lands Litigation." The bill appropriates money from the General Fund Restricted - Land Exchange Distribution Account to the General Fund Restricted - Constitutional Defense Account for legal services. Appropriations began in FY 2011 and are directed to occur for three years (FY 2011, 2012, and 2013). Funds were made nonlapsing in the bill.

Provisions of the bill directed the Attorney General to file certain eminent domain and quiet title actions on property possessed by the federal government.

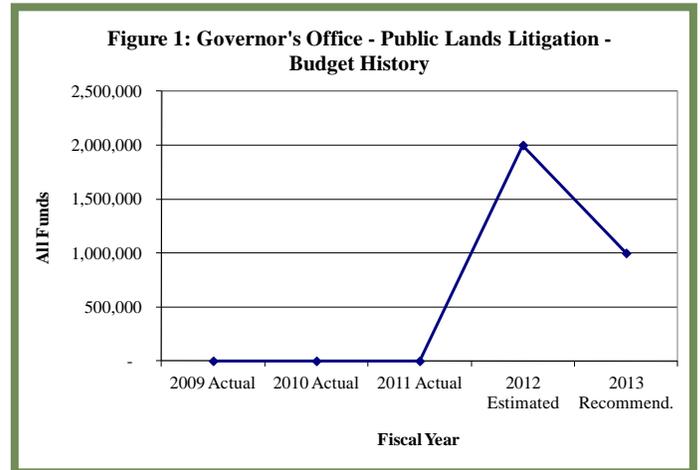
## ACCOUNTABILITY DETAIL

The State of Utah has filed three lawsuits in Kane County and one in Garfield County in 2010 and 2011 to quiet title to federal lands. In November of 2011 Utah filed a Notice of Intent to Sue the United States to over 18,000 roads throughout the state. These actions, if successful, will confirm R.S. 2477 rights of ways across large areas of federal land, including many areas capable of producing a large revenue stream for resource and other development. The road maps are currently being compiled and will become available for inspection soon. These roads cross hundreds of Sitla parcels throughout Utah.

**Bald Knoll case (2010):** A claim to 16 roads in Kane County, it includes roads leading to a state park and 4 SITLA parcels. The case has resulted in partial judgment quieting title to 75 miles of roads. The court granted Utah and Kane County's Motion for Partial Summary Judgment giving Utah and Kane County title to some of the roads, including Skutumpah, Hancock and Sand Dunes roads. Trial concluded in August and the case was submitted on oral argument on January 26, 2012.

**Hole in the Rock case (2011):** Involves suit to 66 roads in Kane County in which Utah filed a Motion to Intervene. The Motion was granted on December 31, 2011 and Utah is now a party to that case. This case involves significant access to School Trust lands.

**Utah and Kane County v. United States and Utah and Garfield County v. United States (2011):** November of 2011. Suing for title to the remaining R.S 2477 roads in the Grand Staircase Escalante National Monument on all remaining R.S. 2477 roads in the monument. One involves about 700 roads in Kane County and another involves 96 roads in Garfield County.



**BUDGET DETAIL**

The appropriation from the GFR – Land Exchange Distribution Account to the GFR – Constitutional Defense Account will take place in the base budget bill for the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee. The appropriation from the GFR – Constitutional Defense Account to the Public Lands Litigation line item is in the EOCJ base budget.

**BUDGET DETAIL TABLE**

Governor's Office - Public Lands Litigation						
	FY 2011	FY 2012		FY 2012		FY 2013*
Sources of Finance	Actual	Appropriated	Changes	Revised	Changes	Recommended
GFR - Constitutional Defense	1,000,000	1,000,000	0	1,000,000	0	1,000,000
Beginning Nonlapsing	0	0	1,000,000	1,000,000	(1,000,000)	0
Closing Nonlapsing	(1,000,000)	0	0	0	0	0
<b>Total</b>	<b>\$0</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$2,000,000</b>	<b>(\$1,000,000)</b>	<b>\$1,000,000</b>
<b>Programs</b>						
Public Lands Litigation	0	1,000,000	1,000,000	2,000,000	(1,000,000)	1,000,000
<b>Total</b>	<b>\$0</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$2,000,000</b>	<b>(\$1,000,000)</b>	<b>\$1,000,000</b>
<b>Categories of Expenditure</b>						
Other Charges/Pass Thru	0	1,000,000	1,000,000	2,000,000	(1,000,000)	1,000,000
<b>Total</b>	<b>\$0</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$2,000,000</b>	<b>(\$1,000,000)</b>	<b>\$1,000,000</b>

\*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.

**SUMMARY OF RECOMMENDATIONS**

The Analyst recommends the Legislature:

1. Adopt the FY 2013 recommended budget of \$1,000,000 as shown in the budget detail table.