

Implementation of the Resource Development Coordinating Committee Act, 1981.

Effective Date: December 16, 2005

Revision Date:

I. Policy Overview:

This policy provides guidelines for the implementation of Section 63-38d-501, which describes the purposes of the Resource Development Coordinating Committee, by establishing procedures for the operation of the Committee, and defining its relationship to the State Planning Coordinator.

II. Summary of Provisions:

Definitions:

A. "Area Clearinghouse" shall mean one of the seven multi-county associations of local government established by Governor's Executive Order dated June 8, 1972.

B. "Committee" shall mean the Resource Development Coordinating Committee.

C. "Federal Action" shall mean all actions submitted by federal agencies for review.

D. "Federal Agency Representatives" shall mean representatives of federal agencies which deal with the environment or physical resources of the state, who are invited to act as liaison with the Committee in order to encourage full information exchanges and cooperation in land use planning and similar efforts.

E. "Federally-Assisted Action" shall mean all actions submitted for review.

F. "Member Agency" shall mean one of the state agencies from which the membership of the Committee is drawn.

G. "Membership" shall mean the Committee membership as set by Section 63-38d-502.

H. "Priority Item" shall mean any one of the review items which has been designated by the Governor's Office, the State Planning Coordinator, the Public Lands Coordinator, or the Committee Chairperson as having high interest to the state.

I. "Review Item" shall mean one of the submitted actions listed for review on the agenda of the Committee, including, for example, any one of the state, federal or federally-assisted actions.

J. "State Action" shall mean all actions submitted by state agencies for Committee review.

K. "Utah State Clearinghouse" shall mean that part of the Office of Planning and Budget which acts as the receiving point for all planning-related review items.

Responsibilities of the State Planning Coordinator:

A. Staff support to the Committee.

The State Planning Coordinator will be responsible for staff support to the Committee, will be responsible for meeting arrangements and minutes, and will prepare and distribute the final state position on review items. A lead member agency may be designated to prepare the recommended state position on a review item. The State Planning Coordinator may also provide that member agencies may comment directly to the sponsoring entity.

B. Agenda for Committee Meetings.

1. The State Planning Coordinator will prepare the agenda for each Committee meeting, setting the time and place for the meeting.

The agenda shall consist of a summary of all priority items received for review by the Utah State Clearinghouse during the appropriate time frame, and other items as determined by the State Planning Coordinator.

2. A copy of each agenda shall be sent to the Committee membership, federal agency representatives, all area clearinghouses, and other interested parties as requested, including members of the press. Requests to receive the agenda should be directed to the Office of Planning and Budget.

C. Summary of Review Items.

1. The State Planning Coordinator will ensure that the summary of review items is available online as they are received.

2. The summary of review items shall state the item's state identifier number (assigned by the Utah State Clearinghouse), the sponsoring entity, a brief description of the project, and other relevant information. Priority items will be identified as separate summary items. The summary of review items shall also set a date for completion of Committee review for each item. The scheduled date for each item shall allow the State Planning Coordinator or the Governor sufficient time to review and distribute the state position within the following time parameters:

a. For state actions; within 30 days of submission, unless pursuant to state law or rule a different time is required, in which case the review completion date shall be set to allow sufficient time to meet the required response date. The sponsoring state agency must inform the State Planning Coordinator of the state law or rule setting the alternate review time.

b. For federal actions; sufficient time to review and distribute the state position by the response date lawfully set by the federal agency.

c. For federally-assisted actions; sufficient time to review and distribute the state position within 30 days of submission, or such response date as may be lawfully set by the federal funding agency.

d. For other actions, sufficient time to review and distribute the state position within 30 days, unless an alternate time is required by federal law or regulation, or state law or rule.

3. A copy of the summary of review items will be available weekly through the GOPB website. Instructions and access ~~coding~~ information on usage of this service is available at the Governor's Office of Planning and Budget.

D. Review of Actions.

Comments by member agencies concerning individual review items

shall be reviewed pursuant to the duties of the State Planning Coordinator set by Sections 63-38d-401. The State Planning Coordinator will act as mediator for unresolved differences among member agencies, unless the differences occur among agencies within the same department, in which case the department head may be asked to resolve the differences. After review and resolution of differences, as necessary, comments on state actions shall be forwarded to the initiating state agency, or the governor, or both; comments on federal and federally assisted actions shall be distributed pursuant to the Governor's considerations and recommendations.

Committee Procedures:

A. Membership.

1. The director of each member agency shall appoint a representative and an alternate to the Committee. The Office of Planning and Budget shall maintain a current Committee membership list.

2. Each representative shall represent the agency's position on policy and technical matters concerning review items.

3. If a representative is unable to attend a meeting, the alternate shall attend. The State Planning Coordinator may request replacement of a representative.

B. Election and Responsibilities of the Chairperson and Vice Chairperson.

1. The chairperson and vice chairperson shall be elected, with the concurrence of the State Planning Coordinator, from the Committee membership for a one year term at the first scheduled Committee meeting in January of each year. Election shall be by majority vote of the membership.

2. The chairperson shall be responsible for:

a. conducting Committee meetings;

b. assisting the State Planning Coordinator in the preparation of the Committee agenda;

c. assisting the State Planning Coordinator in review of member agency and other comments on review items, and in preparation of the state position on those items;

d. assisting the State Planning Coordinator in the development of Committee procedures and the updating of these guidelines as appropriate.

3. The vice chairperson shall assume the responsibilities of the chairperson during the chairperson's absence.

C. Voting.

A majority vote of those members present (a minimum of nine members) is required to take official action, unless otherwise provided in these rules.

D. Meetings.

The Committee shall meet as needed at a date, time and place specified by the State Planning Coordinator, except December, when the Committee may meet only once. Emergency meetings may be called by the chairperson or the State Planning Coordinator.

E. Submission of Review Items.

State, federal, federally-assisted and other items shall be

submitted to the Utah State Clearinghouse for inclusion on the Committee agenda as follows:

1. Member Agencies.

a. Member agencies shall submit for review any proposed action affecting the state's environment or physical resources for which that agency is directly or administratively responsible, unless the action is exempt from review. The agency shall submit notice of the action on a form provided by the State Planning Coordinator. The agency shall also forward a copy of the notice to the area clearinghouse(s) in the impacted area(s). The agency shall submit the notice at such time to allow the Committee the time for review.

b. Exemption Procedures. The State Planning Coordinator may enter into a Memorandum of Understanding (MOU) with each member agency. The MOU shall outline the types of actions exempt from review. Each member agency shall submit an exemption request to the State Planning Coordinator in order to begin the development or modification of an MOU. The State Planning Coordinator shall develop the MOU only after close coordination with the member agency and, if appropriate, Committee review and recommendation. In the absence of an effective MOU, member agencies shall submit all actions for review. The Office of Planning and Budget shall maintain a list of current MOUs.

2. Federal Agencies.

Actions affecting the state's environment or physical resources shall be submitted by federal agencies as provided by federal law or regulation, or relevant agreements between federal agencies and the Governor, including, for example:

a. The National Environmental Policy Act, Public Law 91-190, 83 Stat. 852 (1969);

b. Presidential Executive Order 12372, 47 Fed. Reg. 30959;

c. Proposed federal regulations pertaining to natural resource issues (published in the Federal Register);

d. Cooperative Agreement between the Governor of Utah and the State Director, Bureau of Land Management, U.S. Department of the Interior, dated January 26, 1988;

e. Memorandum of Understanding between the Governor of Utah and Regional Forester, Intermountain Region, United States Forest Service, U.S. Department of Agriculture, dated June 16, 1988;

f. Cooperative Agreement between the Governor of Utah and Regional Director, Rocky Mountain Region, National Park Service, U.S. Department of the Interior, dated December 12, 1980;

g. Memorandum of Understanding between the Department of Defense and the State of Utah Single Point of Contact (Office of Planning and Budget) Implementing Executive Order 12372, dated April 3, 1989.

3. Applications for Federal Funding.

All parties applying for federal funds for projects affecting the environment or physical resources of the state which are subject to 63-38d-504 and Presidential Executive Order 12372 (47 Fed. Reg. 30959), shall submit the applications for review.

4. Other.

Other parties may submit items for formal Committee review or informational purposes. Inclusion on the agenda will be at the

discretion of the State Planning Coordinator.

F. Subcommittees.

1. The Committee may establish standing or ad hoc subcommittees to review and provide recommendations on specific review items. A request to establish subcommittees may be initiated by the State Planning Coordinator, or by any member agency. Subcommittee membership may be selected from other than Committee membership, including, but not limited to, federal representatives. Subcommittee membership shall be determined by the chairperson in consultation with the Committee, with the concurrence of the State Planning Coordinator.

2. The subcommittee chairperson shall be appointed by the Committee chairperson with the concurrence of the State Planning Coordinator.

3. The subcommittee shall work under the direction of the Committee, and shall report such findings and recommendations as it determines to make to the full Committee.

G. Federal Agency, Interest Group and General Public Participation. Federal agencies, interest groups and the general public may:

1. Make comments or recommendations on proposed state actions. Oral comments at Committee meetings will be allowed at the discretion of the chairperson.

2. Ask the Committee for an extension of time to review a state action.

3. Make comments or recommendations on other review items. Such comments, if in writing, should be directed to the State Planning Coordinator for review. Oral comments at Committee meetings will be allowed at the discretion of the chairperson.

4. Request time to make a presentation before the Committee concerning any review item or resource issue of interest to the state. Such a request must be initiated through the State Planning Coordinator, and may be granted at the discretion of the State Planning Coordinator.

H. Committee Actions.

1. As part of the review process, the Committee may:

a. Request additional information through presentations or documentation, or both;

b. Request additional time for review;

c. At the request of the sponsoring agency, shorten the time for Committee review;

d. Provide for supplemental meetings where high public interest merits extended discussion.

2. Following the review process, the Committee may:

a. Refrain from making comment, provide comments without recommendations, or provide comments with recommendations;

b. Recommend involvement of the State Planning Coordinator or the Governor;

c. Take other action as appropriate.

I. Time Frames.

1. Review of all review items shall be completed by the date set in the Committee agenda.

2. Requests for expedited review may be considered and granted at the discretion of the Committee, with the concurrence of

the State Planning Coordinator, or by the State Planning Coordinator. Any Committee member, federal representative, or other interested party may request expedited review as part of the submission of a review item. The request will be considered at the next scheduled Committee meeting, unless otherwise directed by the State Planning Coordinator. Requests will be considered on an individual basis, however, sponsoring entities should be advised that expedited review will generally not be approved unless extenuating circumstances exist. If the request is approved, the Committee or the State Planning Coordinator must set a new date by which Committee review is to be completed.