

23-21-7 Unlawful uses and activities on division lands.

- (1) Except as authorized by statute, rule, contractual agreement, special use permit, certificate of registration, or public notice, a person may not on division land:
 - (a) remove, extract, use, consume, or destroy any improvement or cultural or historic resource;
 - (b) remove, extract, use, consume, or destroy any sand, gravel, cinder, ornamental rock, or other common mineral resource, or vegetation resource, except a person may collect for noncommercial uses up to 250 pounds per calendar year of common rock or gravel lying on the surface of the ground;
 - (c) allow livestock to graze;
 - (d) remove any plant or portion of a plant for commercial gain purposes;
 - (e) enter, use, or occupy division land that is posted against entry, use, or occupancy;
 - (f) enter, use, or occupy division land as part of a group of more than 25 people, except a group may include up to 50 persons if the group consists of extended family members;
 - (g) enter, use, or occupy division land while engaged in or part of an organized event;
 - (h) use, occupy, destroy, move, or construct any structure, including fences, water control devices, roads, survey and section markers, or signs;
 - (i) prohibit, prevent, or obstruct public entry on division lands when public entry is authorized by the division;
 - (j) attempt to manage or control division lands in a manner inconsistent with division management plans, rules, or policies;
 - (k) solicit, promote, negotiate, barter, sell, or trade any product or service on, or obtained from, division lands for commercial gain;
 - (l) park a motor vehicle or trailer or camp for more than 14 consecutive days unless the area is posted for a different duration;
 - (m) light a fire without taking adequate precaution to prevent spreading of the fire or leave a fire unattended;
 - (n) use fireworks, explosives, poisons, herbicides, insecticides, or pesticides;
 - (o) use motorized vehicles of any kind except as authorized by declaration, management plan, or posting; or
 - (p) use division lands for any purpose that violates applicable land use restrictions imposed by statute, rule, or by the division.
- (2) A person or entity which unlawfully uses division lands is liable for damages in the amount of:
 - (a) the value of the resource removed, destroyed, or extracted;
 - (b) the amount of damage caused; and
 - (c) whichever is greater of:
 - (i) the value of any losses or expenses caused as a result of interference with authorized activities; or
 - (ii) the consideration which would have been charged by the division for use of the land during the period of trespass.
- (3) This section does not apply to division employees or division volunteers while acting in the lawful performance of their duties.
- (4) Except as otherwise provided by statute, the criminal penalty for a violation of any provision of this section is prescribed in Section 23-13-11.

Enacted by Chapter 347, 2009 General Session