

## **Part 1 Records and Documents**

### **53C-2-101 Central index -- Administration to maintain central index of trust lands -- Availability to public.**

- (1) The administration shall maintain a central index of all trust lands, including interests therein, and shall make that index available to the public.
- (2) The index shall include the following information:
  - (a) legal description of the land;
  - (b) when and from whom the land was acquired;
  - (c) where the abstracts, deeds, or other indicia of interest in the property may be found;
  - (d) name of any party holding an interest in the land;
  - (e) name of the grantor; and
  - (f) nature of the trust's interest in the land.

Enacted by Chapter 294, 1994 General Session

### **53C-2-102 Information to be furnished by provider -- Director to adopt confidential information rules.**

- (1) As used in this section, "provider" means a prospective applicant, applicant, partner, or lessee.
- (2)
  - (a) The administration may require a provider to furnish any information necessary to carry out the duties of this title, including financial information, geological and mine maps, well logs, and assays.
  - (b) Any information submitted to the administration which the provider and the director agree in writing is of a proprietary nature shall be kept confidential and may not be released without written permission from the provider.
- (3) The director shall adopt rules under which the administration may retain, without disclosure to third parties, information including that received under Subsection (2) which the provider and the director agree is of a protected or proprietary nature, unless the information is required by federal or state law to be of a nonproprietary nature.

Amended by Chapter 247, 2011 General Session

### **53C-2-103 Director's authority to examine records and inspect property.**

For the purpose of determining compliance with any rule or any performance or payment obligation under a lease, permit, or contract, the director may, at reasonable times, places, and intervals:

- (1) require that the lessee, permittee, or contractor provide any pertinent books, records, or other documents of the lessee, permittee, or contractor; and
- (2) inspect the property acquired, used, or developed under the lease, permit, or contract after reasonable notice or as provided in the lease, permit, or contract.

Amended by Chapter 247, 2011 General Session

### **53C-2-104 Preexisting federal mining claims on trust lands -- Filing of notice -- Conclusive evidence of abandonment.**

- (1) The Legislature recognizes the importance of having an effective state filing system for unpatented federal mining claims located on trust lands prior to the state's acquisition of title that would allow the state to determine the extent of preexisting unpatented mining claims on those lands and eliminate the cloud on the state's title created by abandoned unpatented mining claims, while preserving the rights of owners of valid preexisting unpatented mining claims located on those lands.
- (2) Annually on or before December 31, each owner of an unpatented lode mining claim, placer mining claim, mill site claim, or tunnel site claim located pursuant to the general mining laws of the United States on lands now owned of record by the state in trust for the common schools or other beneficiary institutions shall file with the administration a notice as prescribed by Subsection (3).
- (3)
  - (a) The initial notice required by Subsection (2) that is filed by a claimant shall include:
    - (i) a statement of the owner's intention to hold or abandon the claim;
    - (ii) a brief description of the type and nature of the claim;
    - (iii) the date the claim was located, and the date the claim was filed of record in county and federal records;
    - (iv) a copy of the official record of the notice of location or certificate of location of the claim; and
    - (v) a legal description of the claim, by legal subdivision or metes and bounds description, sufficient to locate the claimed lands on the ground.
  - (b) Each subsequent notice required by Subsection (2) shall include:
    - (i) the name of the claim; and
    - (ii) a statement of the owner's intention to hold or abandon the claim.
- (4)
  - (a) The administration shall note the existence of all claims for which notices have been filed in the central index of all trust lands required under Section 53C-2-101.
  - (b) The administration may impose a reasonable filing fee as a condition for accepting the required notices, not to exceed \$100 per claim, to defray the administrative costs of maintaining an index of claims.
- (5)
  - (a) Failure to file the notice required by this section constitutes an abandonment of the claim by the owner.
  - (b) Filing of the required notice by one owner of a claim in which multiple persons own or claim interests fulfills the filing requirements of this section.
- (6) Filing of a notice under this section does not make valid a claim which is otherwise invalid under other applicable law.
- (7) Acquisition of rights to extract minerals underlying trust lands is governed by Part 4, Mineral Leases.
- (8) This section does not waive any fees, filings, or other requirements imposed by federal law.

Amended by Chapter 247, 2011 General Session

**53C-2-105 Withdrawal of trust lands from leasing, disposition, or use.**

- (1) The director may at any time withdraw trust lands from:
  - (a) applications for leasing, permitting, sale, or other disposition of any nature upon a finding that the interests of the trust would best be served through withdrawal; or

- (b) surface occupancy or one or more specific uses upon a finding that continued occupancy or use would cause:
  - (i) resource degradation;
  - (ii) interference with the activities of the administration or the administration's authorized lessees or permittees; or
  - (iii) a threat to public safety.
- (2) The director may, by rule and subject to Subsection (3), withdraw trust lands from public target shooting.
- (3) Before board review of a rule, as described in Subsection 53C-1-303(1)(c), that withdraws land from public target shooting, the director shall consult with:
  - (a) the sheriff of the county where the proposed withdrawal will occur; and
  - (b) representatives from leading sports shooting organizations.

Amended by Chapter 389, 2016 General Session