

Title 63L. Lands

Chapter 1 Federal Jurisdiction

Part 1 General Provisions

63L-1-101 Title.

- (1) This title is known as "Lands."
- (2) This chapter is known as "Federal Jurisdiction."

Enacted by Chapter 382, 2008 General Session

Part 2 Federal and State Jurisdiction

63L-1-201 Jurisdiction over land acquired by United States -- Reservations by state -- Duration of jurisdiction.

Jurisdiction is hereby ceded to the United States in, to and over any and all lands or territory within this state which have heretofore been acquired by the United States by purchase, condemnation or otherwise for military or naval purposes and for forts, magazines, arsenals, dockyards and other needful buildings of every kind whenever authorized by Act of Congress, and in, to and over any and all lands or territory within this state now held by the United States under lease, use permit, or reserved from the public domain for any of the purposes aforesaid; this state, however, reserving the right to execute its process, both criminal and civil, within such territory. The jurisdiction so ceded shall continue so long as the United States shall own, hold or reserve land for any of the aforesaid purposes, or in connection therewith, and no longer.

Renumbered and Amended by Chapter 382, 2008 General Session

63L-1-202 Governor to execute conveyances.

The governor is hereby authorized and empowered to execute all proper conveyances in the cession herein granted, upon request of the United States or the proper officers thereof, whenever any land shall have been acquired, leased, used, or reserved from the public domain for such purposes.

Renumbered and Amended by Chapter 382, 2008 General Session

63L-1-203 Jurisdiction over certain military reservations ceded -- Reservation.

Jurisdiction is ceded to the United States in and over all lands comprised within the limits of the military reservations of Fort Douglas and Fort Duchesne in this state, to continue so long as the United States shall hold and own the same for military purposes or in connection therewith, and no longer; reserving, however, to this state the right to serve all civil process and such criminal process as may lawfully issue under the authority of this state against persons charged with crimes against the laws of this state committed within or without said reservations.

Renumbered and Amended by Chapter 382, 2008 General Session

63L-1-204 Concurrent jurisdiction with United States -- Taxation of businesses on federal lands.

- (1) The state of Utah retains concurrent jurisdiction, both civil and criminal, with the United States over all lands affected by this act.
- (2) The state and all of its political subdivisions also reserve the right to impose taxes on individuals, partnerships, corporations, associations, and all other business entities doing business on the lands affected by this chapter in respect to such business or on any property of these entities situated on these lands.

Renumbered and Amended by Chapter 382, 2008 General Session

63L-1-205 Concurrent jurisdiction over certain minor violations at Dugway Proving Ground.

The state of Utah hereby cedes to the United States, retaining also the same to itself, concurrent jurisdiction over class B and C misdemeanors and traffic violations no more serious than a class B misdemeanor within the following described boundaries in the Counties of Tooele and Juab, State of Utah, in the Salt Lake Meridian:

BEGINNING at the NE corner of Section 1, T8S, R9W;

1. Thence, South along the Range line between R8W and R9W, 9 miles and 2.57 chains to the SE corner of Section 13, T9S, R9W;
2. Thence, West, along the South line of Sections 13, 14, 15 and 16, T9S, R9W, 4 miles to the NE corner of Section 20, T9S, R9W;
3. Thence, South, along the East line of said Section 20 to the SE corner of said Section 20;
4. Thence, Southwesterly in a straight line to the Southwest corner of Section 31, T10S, R10W;
5. Thence, continuing Southwesterly along said line to a point in Section 1, T11S, R11W, said point bears 0.7 mile along said Southwesterly line from the SW corner of said Section 31;
6. Thence, Northwesterly, in a straight line from said point, to the SW corner of Section 34, T9S, R11W;
7. Thence, North along the West line of said Section 34 to the NW corner of said Section 34;
8. Thence, West along the South line of Sections 28 and 29, T9S, R11W, to the SE corner of Section 30, T9S, R11W;
9. Thence, Northwest in a straight line to the NE corner of Section 23, T9S, R12W;
10. Thence, West along the North line of Sections 23, 22, and projected Sections 21, 20 and 19 to the Range line between R12W and R13W;
11. Thence, South along said Range line to the South line of T10S;
12. Thence, West along last said Township line to the Range line common to R16W and R17W;
13. Thence, North along last said Range line to the West quarter corner of Section 6, T10S, R16W;
14. Thence, East along the East-West centerline of said Section 6 to the North-South centerline of said Section 6;
15. Thence, North along said North-South centerline to the North quarter corner of said Section 6;
16. Thence, East along the North line of said Section 6 to the NE corner of said Section 6;

17. Thence, North along the East line of Section 31, T9S, R16W, to the NE corner of the SE 1/4 SE 1/4 of said Section 31;
18. Thence, West along the North line of the S 1/2 S 1/2 of last said Section 31, T9S, R16W, to the West line of said Section 31;
19. Thence, North along said West line to the East-West line of last said Section 31;
20. Thence, East along said East-West line to the SE corner of the SW 1/4 NW 1/4 of last said Section 31;
21. Thence, North along the East line of said SW 1/4 NW 1/4 to the NE corner of SW 1/4 NW 1/4 of last said Section 31;
22. Thence, West along the North line of said SW 1/4 NW 1/4 to the NW corner of said SW 1/4 NW 1/4 of last said Section 31, said corner also being on the Range line common to R16W and R17W;
23. Thence, North along last said Range line to the NW corner of Section 6, T6S, R16W;
24. Thence, East along the North line of T6S to the NE corner of Section 1, T6S, R13W;
25. Thence, North along the West line of R13W to the NW corner of Section 6, T6S, R12W;
26. Thence, East along the North line of T6S to the NE corner of Section 1, T6S, R12W;
27. Thence, North along the Range line between R11W and R12W, 5 miles and 37.68 chains to the closing corner of T5S, R11W and T5S, R12W, said corner bears East 10.97 chains from the standard corner of T4S, R11W and T4S, R12W;
28. Thence, East along the Township line common to T4S and T5S, 6 miles and 74.49 chains to the divide crest of the Cedar Mountain Range;
29. Thence, Southeasterly, along or near the crest of the Cedar Mountain Range through T5S, R10W, T6S, R10W, and T6S, R9W, the following courses:
 30. Thence, S 1 29' W, 69.63 chains;
 31. Thence, S 4 18' E, 94.83 chains;
 32. Thence, S 5 21' E, 87.44 chains;
 33. Thence, S 63 27' E, 26.60 chains;
 34. Thence, S 17 15' E, 70.51 chains;
 35. Thence, S 55 37' E, 132.09 chains;
 36. Thence, S 56 22' E, 108.71 chains;
 37. Thence, S 24 31' E, 20.92 chains; to a point which bears West, 125.29 chains from the SW corner of T5S, R9W;
 38. Thence, S 28 06' E, 70.05 chains;
 39. Thence, S 69 15' E, 26.73 chains;
 40. Thence, S 41 32' E, 55.35 chains;
 41. Thence, N 89 19' E, 30.79 chains;
 42. Thence, S 25 40' E, 36.19 chains;
 43. Thence, N 66 24' E, 56.38 chains;
 44. Thence, S 63 17' E, 76.05 chains;
 45. Thence, S 38 48' E, 29.84 chains;
 46. Thence, S 82 20' E, 71.44 chains;
 47. Thence, S 35 07' E, 32.82 chains;
 48. Thence, S 36 24' W, 18.77 chains;
 49. Thence, S 01 41' W, 61.73 chains;
 50. Thence, N 65 19' E, 25.68 chains;
 51. Thence, S 52 59' E, 41.19 chains;
 52. Thence, N 85 57' E, 44.22 chains;
 53. Thence, S 58 52' E, 69.09 chains;

54. Thence, S 82 14' E, 46.21 chains;
55. Thence, S 26 06' E, 74.82 chains;
56. Thence, S 88 42' E, 14.59 chains to a point on the Range line common to R8W and R9W, said point bears South 12.78 chains from the NW corner of Section 31, T6S, R8W;
57. Thence, leaving the Cedar Mountain Crest, South along said Range line common to R8W and R9W, 68.85 chains to the SW corner of T6S, R8W;
58. Thence, East along the Township line between Ts. 6 and 7 S., 4 miles, 9.5 chains, to the closing corner of Sections 2 and 3, T7S, R8W;
59. Thence, South, along Section line, 3 miles, 73.37 chains, to the corner of Sections 22, 23, 26 and 27, T7S, R8W;
60. Thence, West, along Section lines, 4 miles 0.45 chains, to the closing corner of Sections 19 and 30, on the West boundary of T7S, R8W;
61. Thence, South, along the Range lines between Rs. 8 and 9 W, 1 mile 37.14 chains to the Northeast corner of T8S, R9W, and the POINT OF BEGINNING.

TOGETHER with all that land in Section 36, T10S, R11W lying Southwesterly of the line described in Course No. 6 of this description.

EXCEPTING THEREFROM: NW 1/4 of Section 9, T8S, R13W; and the NE 1/4 SW 1/4 of Section 30, T10S, R16W.

The operative provisions of this section also apply to the property within the following described boundaries:

Township 6 South, Range 4 West, Salt Lake Meridian, Section 4, S 1/2; Section 5, Lots 3 and 4, S 1/2 NW 1/4 and S 1/2; Sections 6 to 9, inclusive; Section 15, W 1/2; Sections 16 to 21, inclusive; Section 22, W 1/2; Section 27, W 1/2; Sections 28 to 30.

Township 6 South, Range 5 West, Salt Lake Meridian, Sections 1 to 3, inclusive; Sections 11 to 14, inclusive; Sections 23 to 26, inclusive; those portions of Sections 4, 9, 10, 15, 22, and 27 lying East of the Union Pacific Railroad Right-of-Way, and situated within the boundary of the Deseret Chemical Depot (formerly St. John Ordnance Depot) County of Tooele, State of Utah, which lands were withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and reserved for use by the Department of Army (formerly War Department) as an Ordnance Storage Depot by the Public Land Order No. 15 dated July 21, 1942, and Public Land Order No. 66 dated November 30, 1942; and which are within the Rush Valley Unit of the Bonneville Grazing District No. 2, Utah.

Renumbered and Amended by Chapter 382, 2008 General Session

63L-1-206 Concurrent jurisdiction.

The state of Utah hereby accepts from the United States concurrent jurisdiction, both civil and criminal, with the United States over the following described boundaries in the county of Weber, state of Utah, in the Salt Lake Meridian:

- (1) As described more particularly in Subsection (2), a part of Section 7 in Township 6 North, Range 1 West and a part of Section 12 in Township 6 North, Range 2 West.
- (2) Beginning at a point South 0 degrees 46 minutes 27 seconds West 1540.37 feet and North 89 degrees 03 minutes 15 seconds West 258.80 feet and North 3 degrees 57 minutes 30 seconds West 10,877.85 feet and North 86 degrees 11 minutes 50 seconds East 80.74 feet and North 3 degrees 52 minutes 20 seconds West 655.22 feet from the Northeast corner of the Northwest Quarter of Section 19 in said Township 6 North, Range 1 West; said point also being North 89 degrees 03 minutes 15 seconds West 253.25 feet and North 3 degrees 57 minutes 30 seconds West 10,945.10 feet and North 86 degrees 11 minutes 50 seconds East 80.74 feet and North 3

degrees 52 minutes 20 seconds West 655.22 feet from the Ogden City survey monument at the intersection of the monument line of 12th Street and the East line of the Northwest Quarter of said Section 19; said point also being North 86 degrees 11 minutes 50 seconds East and North 3 degrees 52 minutes 20 seconds West 655.22 from the Southwest corner of the Ogden City property (parcel 11-023-0029):

- (a) thence South 86 degrees 03 minutes 22 seconds West 2398.03 feet more or less along an existing fenceline separating properties used by Defense Depot Ogden and the U. S. Army Reserve to a point on the East line of 1200 West Street;
- (b) thence North 1 degree 16 minutes 15 seconds East 66.27 feet along said East line of 1200 West Street;
- (c) thence North 86 degrees 03 minutes 22 seconds East 2392.09 feet more or less to a point on the West line of the Weber-Ogden Fairgrounds Complex; and
- (d) thence South 3 degrees 52 minutes 20 seconds East 66.00 feet along said West line of the Weber-Ogden Fairgrounds Complex to the point of beginning.

Renumbered and Amended by Chapter 382, 2008 General Session

63L-1-207 Concurrent jurisdiction -- Utah Test and Training Range.

The state of Utah cedes to the United States, retaining also the same to itself, concurrent jurisdiction within the following described boundaries in the county of Tooele, state of Utah, in the Salt Lake Base and Meridian, to continue so long as the United States owns, holds, or reserves the land for military purposes or in connection with military purposes, and no longer:

- (1) Township 2 North, Range 15 West, all of:
 - (a) Section 16;
 - (b) Section 32;
 - (c) Section 36; and
 - (d) Section 2, Lots 1-4, S 1/2 N 1/2, S 1/2;
- (2) Township 2 South, Range 14 West, all of:
 - (a) Section 32; and
 - (b) Section 36;
- (3) Township 2 South, Range 15 West, all of:
 - (a) Section 36; and
 - (b) Section 32, W 1/2;
- (4) Township 3 South, Range 15 West, all of:
 - (a) Section 16;
 - (b) Section 32;
 - (c) Section 36; and
 - (d) Section 2, Lots 1-4, S 1/2 N 1/2, S 1/2;
- (5) Township 2 South, Range 16 West, all of:
 - (a) Section 32; and
 - (b) Section 36;
- (6) Township 2 South, Range 17 West, all of:
 - (a) Section 32; and
 - (b) Section 36;
- (7) Township 2 South, Range 18 West, all of Section 36;
- (8) Township 3 South, Range 18 West, all of:
 - (a) Section 16;
 - (b) Section 32;

- (c) Section 36; and
- (d) Section 2, Lots 1-4, S 1/2 N 1/2, S 1/2;
- (9) Township 3 South, Range 19 West, all of:
 - (a) Section 16;
 - (b) Section 32;
 - (c) Section 36; and
 - (d) Section 2, Lots 1-4, S 1/2 N 1/2, S 1/2; and
- (10) Township 4 South, Range 19 West, all of:
 - (a) Section 16;
 - (b) Section 32;
 - (c) Section 36; and
 - (d) Section 2, Lots 1-4, S 1/2 N 1/2, S 1/2.

Renumbered and Amended by Chapter 382, 2008 General Session

Chapter 2

Transfer of State Lands to United States Government and Federal Designations

Part 1

General Provisions

63L-2-101 Title.

This chapter is known as "Transfer of State Lands to United States Government and Federal Designations."

Amended by Chapter 457, 2019 General Session

Part 2

Procedures for Acquisition of Property

63L-2-201 Federal government acquisition of real property in the state.

- (1) As used in this section:
 - (a) "Governmental entity" means:
 - (i) an agency, as that term is defined in Subsection 63G-10-102(2);
 - (ii) the School and Institutional Trust Lands Administration created in Section 53C-1-201;
 - (iii) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202; or
 - (iv) a county.
 - (b) "Governmentally controlled land" means land owned or managed by a governmental entity.
- (2)
 - (a) Before legally binding the state by executing an agreement to sell or transfer to the United States government 500 or more acres of governmentally controlled land or school and institutional trust lands, a governmental entity shall submit the agreement or proposal:
 - (i) to the Legislature for its approval or rejection; or

- (ii) in the interim, to the Legislative Management Committee for review of the agreement or proposal.
- (b) The Legislative Management Committee may:
 - (i) recommend that the governmental entity execute the agreement or proposal;
 - (ii) recommend that the governmental entity reject the agreement or proposal; or
 - (iii) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the agreement or proposal.
- (3) Before legally binding the state by executing an agreement to sell or transfer to the United States government less than 500 acres of any governmentally controlled land or school and institutional trust lands, a governmental entity shall notify the Natural Resources, Agriculture, and Environment Interim Committee.
- (4) Notwithstanding Subsections (2) and (3), the Legislature approves all conveyances of school trust lands to the United States government made for the purpose of completing the Red Cliffs National Conservation Area in Washington County.
- (5) A governmental entity may, in the governmental entity's discretion, give written notice to the Legislative Management Committee of formal negotiations the governmental entity enters into with a federal agent or entity intended or likely to result in:
 - (a) the sale, exchange, or transfer of specific governmentally controlled land or school and institutional trust lands to the federal government; or
 - (b) designation of specific governmentally controlled land or school and institutional trust lands as a federal park, monument, or wilderness area.

Amended by Chapter 457, 2019 General Session

63L-2-202 Federal impacts related to critical mineral deposits.

- (1) As used in this section:
 - (a) "Critical mineral deposit" means a deposit of a mineral, element, substance, or material designated as critical by the Secretary of the Interior in accordance with 30 U.S.C. Sec. 1606.
 - (b) "Federal designation" means the designation of a:
 - (i) national monument;
 - (ii) national conservation area;
 - (iii) wilderness area or wilderness study area;
 - (iv) area of critical environmental concern;
 - (v) research natural area; or
 - (vi) national recreation area.
- (2) The Legislature requests that a federal agency, including the president of the United States, consult with the state before implementing, announcing, or planning a federal designation that may impact the exploration or development of a critical mineral deposit in the state.

Enacted by Chapter 159, 2025 General Session

Part 3

Federal Designations and Local Advocacy

63L-2-301 Promoting or lobbying for a federal designation within the state.

- (1) As used in this section:

- (a) "Federal designation" means the designation of a:
 - (i) national monument;
 - (ii) national conservation area;
 - (iii) wilderness area or wilderness study area;
 - (iv) area of critical environmental concern;
 - (v) research natural area; or
 - (vi) national recreation area.
- (b)
 - (i) "Governmental entity" means:
 - (A) a state-funded institution of higher education or public education;
 - (B) a political subdivision of the state;
 - (C) an office, agency, board, bureau, committee, department, advisory board, or commission that the government funds or establishes to carry out the public's business, regardless of whether the office, agency board, bureau, committee, department, advisory board, or commission is composed entirely of public officials or employees;
 - (D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative undertaking as defined in Section 11-13-103;
 - (E) a governmental nonprofit corporation as defined in Section 11-13a-102; or
 - (F) an association as defined in Section 53G-7-1101.
 - (ii) "Governmental entity" does not mean:
 - (A) the School and Institutional Trust Lands Administration created in Section 53C-1-201;
 - (B) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202;
 - (C) the Office of the Governor;
 - (D) the Governor's Office of Planning and Budget created in Section 63J-4-201;
 - (E) the Public Lands Policy Coordinating Office created in Section 63L-11-201;
 - (F) the Office of Energy Development created in Section 79-6-401; or
 - (G) the Governor's Office of Economic Opportunity created in Section 63N-1a-301.
- (2)
 - (a) A governmental entity, or a person a governmental entity employs and designates as a representative, may investigate the possibility of a federal designation within the state.
 - (b) A governmental entity that intends to advocate for a federal designation within the state shall:
 - (i) notify the chairs of the following committees before the introduction of federal legislation:
 - (A) the Natural Resources, Agriculture, and Environment Interim Committee, if constituted, and the Federalism Commission; or
 - (B) if the notice is given during a General Session, the House and Senate Natural Resources, Agriculture, and Environment Standing Committees; and
 - (ii) upon request of the chairs, meet with the relevant committee to review the proposal.
- (3) This section does not apply to a political subdivision supporting a federal designation if the federal designation:
 - (a) applies to 5,000 acres or less; and
 - (b) has an economical or historical benefit to the political subdivision.

Amended by Chapter 362, 2022 General Session

Chapter 3

Private Property Protection Act

Part 1 General Provisions

63L-3-101 Title.

This chapter is known as the "Private Property Protection Act."

Renumbered and Amended by Chapter 382, 2008 General Session

63L-3-102 Definitions.

As used in this chapter:

- (1) "Constitutional taking" or "taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by:
 - (a) the Fifth or Fourteenth Amendment of the Constitution of the United States; or
 - (b) Utah Constitution Article I, Section 22.
- (2)
 - (a) "Governmental action" or "action" means:
 - (i) proposed rules and emergency rules by a state agency that if adopted and enforced may limit the use of private property unless:
 - (A) its provisions are in accordance with applicable state or federal statutes; and
 - (B) the agency has adopted and implemented the guidelines required by Section 63L-3-201;
 - (ii) proposed or implemented licensing or permitting conditions, requirements, or limitations to the use of private property unless:
 - (A) its provisions are in accordance with applicable state or federal statutes, rules, or regulations; and
 - (B) the agency has adopted and implemented the guidelines required by Section 63L-3-201;
 - (iii) required dedications or exactions from owners of private property; or
 - (iv) statutes and rules.
 - (b) "Governmental action" or "action" does not mean:
 - (i) activity in which the power of eminent domain is exercised formally;
 - (ii) repealing rules discontinuing governmental programs or amending rules in a manner that lessens interference with the use of private property;
 - (iii) law enforcement activity involving seizure or forfeiture of private property for violations of law or as evidence in criminal proceedings;
 - (iv) school and institutional trust land management activities and disposal of land and interests in land conducted pursuant to Title 53C, School and Institutional Trust Lands Management Act;
 - (v) orders and enforcement actions that are issued by a state agency in accordance with Title 63G, Chapter 4, Administrative Procedures Act, and applicable federal or state statutes; or
 - (vi) orders and enforcement actions that are issued by a court of law in accordance with applicable federal or state statutes.
- (3) "Private property" means any school or institutional trust lands and any real or personal property in this state that is protected by:
 - (a) the Fifth or Fourteenth Amendment of the Constitution of the United States; or
 - (b) Utah Constitution Article I, Section 22.
- (4)

- (a) "State agency" means an officer or administrative unit of the executive branch of state government that is authorized by law to adopt rules.
- (b) "State agency" does not include the legislative or judicial branches of state government.
- (5) "Takings law" means the provisions of the federal and state constitutions, the case law interpreting those provisions, and any relevant statutory provisions that require a governmental unit to compensate a private property owner for a constitutional taking.

Renumbered and Amended by Chapter 382, 2008 General Session

Part 2

Requirements for State Agencies

63L-3-201 State agencies to adopt guidelines.

- (1) Each state agency shall adopt guidelines to assist them in the identification of actions that have constitutional taking implications.
- (2) In creating the guidelines, the state agency shall take into consideration recent court rulings on the taking of private property.
- (3) Each state agency shall complete the guidelines on or before January 1, 1999, and review and update the guidelines annually to maintain consistency with court rulings.

Renumbered and Amended by Chapter 382, 2008 General Session

63L-3-202 Agency actions.

- (1) Using the guidelines prepared under Section 63L-3-201, each state agency shall:
 - (a) determine whether an action has constitutional taking implications; and
 - (b) prepare an assessment of constitutional taking implications that includes an analysis of the following:
 - (i) the likelihood that the action may result in a constitutional taking, including a description of how the taking affects the use or value of private property;
 - (ii) alternatives to the proposed action that may:
 - (A) fulfill the government's legal obligations of the state agency;
 - (B) reduce the impact on the private property owner; and
 - (C) reduce the risk of a constitutional taking; and
 - (iii) an estimate of financial cost to the state for compensation and the source of payment within the agency's budget if a constitutional taking is determined.
- (2) In addition to the guidelines prepared under Section 63L-3-201, each state agency shall adhere, to the extent permitted by law, to the following criteria if implementing or enforcing actions that have constitutional taking implications:
 - (a) If an agency requires a person to obtain a permit for a specific use of private property, any conditions imposed on issuing the permit shall directly relate to the purpose for which the permit is issued and shall substantially advance that purpose.
 - (b) Any restriction imposed on the use of private property shall be proportionate to the extent the use contributes to the overall problem that the restriction is to redress.
 - (c) If an action involves a permitting process or any other decision-making process that will interfere with, or otherwise prohibit, the use of private property pending the completion of the process, the duration of the process shall be kept to the minimum necessary.

- (d) Before taking an action restricting private property use for the protection of public health or safety, the state agency, in internal deliberative documents, shall:
 - (i) clearly identify, with as much specificity as possible, the public health or safety risk created by the private property use;
 - (ii) establish that the action substantially advances the purpose of protecting public health and safety against the specifically identified risk;
 - (iii) establish, to the extent possible, that the restrictions imposed on the private property are proportionate to the extent the use contributes to the overall risk; and
 - (iv) estimate, to the extent possible, the potential cost to the government if a court determines that the action constitutes a constitutional taking.
- (3) If there is an immediate threat to health and safety that constitutes an emergency and requires an immediate response, the analysis required by Subsection (2)(b) may be made when the response is completed.
- (4) Before the state agency implements an action that has constitutional taking implications, the state agency shall submit a copy of the assessment of constitutional taking implications to the governor and the Legislative Management Committee.

Amended by Chapter 356, 2009 General Session

Chapter 4

Constitutional Takings Issues Act

Part 1

General Provisions

63L-4-101 Title.

This chapter is known as the "Constitutional Takings Issues Act."

Enacted by Chapter 382, 2008 General Session

63L-4-102 Definitions.

As used in this chapter:

- (1) "Constitutional taking issues" means actions involving the physical taking or exaction of private real property by a political subdivision that might require compensation to a private real property owner because of:
 - (a) the Fifth or Fourteenth Amendment of the Constitution of the United States;
 - (b) Article I, Section 22 of the Utah Constitution; or
 - (c) any recent court rulings governing the physical taking or exaction of private real property by a government entity.
- (2) "Political subdivision" means a county, municipality, special district, special service district, school district, or other local government entity.

Amended by Chapter 16, 2023 General Session

63L-4-103 Applicability of chapter.

This chapter does not apply when a political subdivision formally exercises its power of eminent domain.

Renumbered and Amended by Chapter 382, 2008 General Session

Part 2

Requirements for Political Subdivisions

63L-4-201 Political subdivisions to adopt guidelines.

- (1) Each political subdivision shall enact an ordinance establishing guidelines to assist them in identifying actions involving the physical taking or exaction of private real property that may have constitutional taking issues.
- (2) Each political subdivision shall consider the guidelines required by this section when taking any action that might result in the physical taking or exaction of private real property.
- (3)
 - (a) The guidelines adopted under the authority of this section are advisory.
 - (b) A court may not impose liability upon a political subdivision for failure to comply with the guidelines required by this section.
 - (c) The guidelines neither expand nor limit the scope of any political subdivision's liability for a constitutional taking.

Renumbered and Amended by Chapter 382, 2008 General Session

Part 3

Appeals

63L-4-301 Appeals of decisions.

- (1) Each political subdivision shall enact an ordinance that:
 - (a) establishes a procedure for review of actions that may have constitutional taking issues; and
 - (b) meets the requirements of this section.
- (2)
 - (a)
 - (i) Any owner of private property whose interest in the property is subject to a physical taking or exaction by a political subdivision may appeal the political subdivision's decision within 30 days after the decision is made.
 - (ii) The legislative body of the political subdivision, or an individual or body designated by them, shall hear and approve or reject the appeal within 14 days after it is submitted.
 - (iii) If the legislative body of the political subdivision fails to hear and decide the appeal within 14 days, the decision is presumed to be approved.
 - (b) The private property owner need not file the appeal authorized by this section before bringing an action in any court to adjudicate claims that are eligible for appeal.
 - (c) A property owner's failure to appeal the action of a political subdivision does not constitute, and may not be interpreted as constituting, a failure to exhaust available administrative remedies or as a bar to bringing legal action.

Renumbered and Amended by Chapter 382, 2008 General Session

Chapter 5 Utah Religious Land Use Act

Part 1 General Provisions

63L-5-101 Title.

This chapter is known as the "Utah Religious Land Use Act."

Renumbered and Amended by Chapter 382, 2008 General Session

63L-5-102 Definitions.

As used in this chapter:

- (1) "Free exercise of religion" means an act or refusal to act that is substantially motivated by sincere religious belief, whether or not the act or refusal is compulsory or central to a larger system of religious belief, and includes the use, building, or conversion of real property for the purpose of religious exercise.
- (2) "Government entity" means the state, a county, a municipality, a higher education institution, a special district, a special service district, any other political subdivision of the state, or any administrative subunit of any of them.
- (3) "Land use regulation" means any state or local law or ordinance, whether statutory or otherwise, that limits or restricts a person's use or development of land or a structure affixed to land.
- (4) "Person" means any individual, partnership, corporation, or other legal entity that owns an interest in real property.

Amended by Chapter 16, 2023 General Session

Part 2 Legal Standard

63L-5-201 Protection of land use as religious exercise.

- (1) Except as provided in Subsection (2), a government entity may not impose or implement a land use regulation in a manner that imposes a substantial burden on a person's free exercise of religion.
- (2) A government entity may impose or implement a land use regulation in a manner that imposes a substantial burden on a person's free exercise of religion if the government can establish that the imposition of the burden on that person:
 - (a) is in furtherance of a compelling governmental interest; and
 - (b) is the least restrictive means of furthering that compelling governmental interest.

- (3) A government entity that meets the requirements of Subsection (2) need not separately prove that the remedy and penalty provisions of the land use regulation are the least restrictive means to ensure compliance or to punish the failure to comply.
- (4) This act shall not impair the ability of local government to impose costs and fees reasonably necessary to mitigate the off-site impacts of development.

Renumbered and Amended by Chapter 382, 2008 General Session

Part 3

Remedies and Procedures

63L-5-301 Remedies.

- (1)
 - (a) A person whose free exercise of religion has been substantially burdened by a government entity in violation of Section 63L-5-201 may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration.
 - (b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the person shall bring an action described in Subsection (1)(a) in the county where the largest portion of the property subject to the land use regulation is located if the action is brought in the district court.
- (2) Any person who asserts a claim or defense against a government entity under this chapter may request:
 - (a) declaratory relief;
 - (b) temporary or permanent injunctive relief to prevent the threatened or continued violation; or
 - (c) a combination of declaratory and injunctive relief.
- (3) A person may not bring an action under this chapter against an individual, other than an action against an individual acting in the individual's official capacity as an officer of a government entity.

Amended by Chapter 158, 2024 General Session

63L-5-302 Notice of claim -- Government's right to accommodate.

- (1) A person may not bring an action under Section 63L-5-301 unless, 60 days before bringing the action, the person sends written notice of the intent to bring an action.
- (2) The notice shall be addressed to the government entity imposing the land use regulation, and shall be prepared and delivered according to the requirements of Subsection 63G-7-401(4).
- (3) Mailing of the notice required by Subsection (1) tolls the limitation period for bringing an action under this chapter for a period of 75 days, starting on the day the notice was mailed.
- (4) Notwithstanding Subsection (1), a person may bring an action under Section 63L-5-301 before the expiration of the 60-day notice period if:
 - (a) the imposition of a substantial burden on the person's free exercise of religion by the land use regulation is imminent; and
 - (b) the person was not informed of and did not otherwise have knowledge of the land use regulation in time to reasonably provide 60 days notice.
- (5)
 - (a) A government entity provided with the notice required by Subsection (2) may remedy the substantial burden on the person's free exercise of religion:

- (i) before the expiration of the 60-day notice period; or
- (ii) in the case of an action properly brought according to Subsection (4), before the adjudication of a court hearing on the action.
- (b) Nothing in this section prevents a government entity from providing a remedy after these time periods.
- (6) The court may not award compensatory damages, attorney's fees, costs, or other expenses to a person if the substantial burden has been cured by a remedy implemented by the government entity according to Subsection (5)(a).

Amended by Chapter 326, 2025 General Session

Part 4 Application

63L-5-401 Burden on exercise of religion as defense.

A person whose free exercise of religion has been substantially burdened in violation of this chapter may assert that violation as a defense in a judicial or administrative proceeding without regard to whether the proceeding is brought in the name of the state or by any other person.

Renumbered and Amended by Chapter 382, 2008 General Session

63L-5-402 Establishment clause unaffected.

- (1) This chapter does not authorize government to burden a person's free exercise of religion.
- (2) The protection of religious freedom afforded by this chapter is in addition to the protections provided under federal law and the constitutions of Utah and the United States.
- (3) Nothing in this chapter may be construed to affect, interpret, or in any way address that portion of the First Amendment to the United States Constitution prohibiting laws respecting an establishment of religion.

Renumbered and Amended by Chapter 382, 2008 General Session

63L-5-403 Application to certain cases.

This chapter does not affect and is not intended to affect the authority of government entities to adopt or apply land use regulations that do not involve the free exercise of religion.

Renumbered and Amended by Chapter 382, 2008 General Session

Chapter 6 Transfer of Public Lands Act

63L-6-101 Title.

This chapter is known as the "Transfer of Public Lands Act."

Enacted by Chapter 353, 2012 General Session

63L-6-102 Definitions.

As used in this chapter:

- (1) "Governmental entity" is as defined in Section 59-2-511.
- (2) "Net proceeds" means the proceeds from the sale of public lands, after subtracting expenses incident to the sale of the public lands.
- (3) "Public lands" means lands within the exterior boundaries of this state except:
 - (a) lands to which title is held by a person who is not a governmental entity;
 - (b) lands owned or held in trust by this state, a political subdivision of this state, or an independent entity;
 - (c) lands reserved for use by the state system of public education as described in Utah Constitution Article X, Section 2, or a state institution of higher education listed in Section 53B-1-102;
 - (d) school and institutional trust lands as defined in Section 53C-1-103;
 - (e) lands within the exterior boundaries as of January 1, 2012, of the following that are designated as national parks:
 - (i) Arches National Park;
 - (ii) Bryce Canyon National Park;
 - (iii) Canyonlands National Park;
 - (iv) Capitol Reef National Park; and
 - (v) Zion National Park;
 - (f) lands within the exterior boundaries as of January 1, 2012, of the following national monuments managed by the National Park Service as of January 1, 2012:
 - (i) Cedar Breaks National Monument;
 - (ii) Dinosaur National Monument;
 - (iii) Hovenweep National Monument;
 - (iv) Natural Bridges National Monument;
 - (v) Rainbow Bridge National Monument; and
 - (vi) Timpanogos Cave National Monument;
 - (g) lands within the exterior boundaries as of January 1, 2012, of the Golden Spike National Historic Site;
 - (h) lands within the exterior boundaries as of January 1, 2012, of the following wilderness areas located in the state that, as of January 1, 2012, are designated as part of the National Wilderness Preservation System under the Wilderness Act of 1964, 16 U.S.C. 1131 et seq.:
 - (i) Ashdown Gorge Wilderness;
 - (ii) Beartrap Canyon Wilderness;
 - (iii) Beaver Dam Mountains Wilderness;
 - (iv) Black Ridge Canyons Wilderness;
 - (v) Blackridge Wilderness;
 - (vi) Box-Death Hollow Wilderness;
 - (vii) Canaan Mountain Wilderness;
 - (viii) Cedar Mountain Wilderness;
 - (ix) Cottonwood Canyon Wilderness;
 - (x) Cottonwood Forest Wilderness;
 - (xi) Cougar Canyon Wilderness;
 - (xii) Dark Canyon Wilderness;
 - (xiii) Deep Creek Wilderness;
 - (xiv) Deep Creek North Wilderness;

- (xv) Deseret Peak Wilderness;
 - (xvi) Doc's Pass Wilderness;
 - (xvii) Goose Creek Wilderness;
 - (xviii) High Uintas Wilderness;
 - (xix) LaVerkin Creek Wilderness;
 - (xx) Lone Peak Wilderness;
 - (xxi) Mount Naomi Wilderness;
 - (xxii) Mount Nebo Wilderness;
 - (xxiii) Mount Olympus Wilderness;
 - (xxiv) Mount Timpanogos Wilderness;
 - (xxv) Paria Canyon-Vermilion Cliffs Wilderness;
 - (xxvi) Pine Valley Mountain Wilderness;
 - (xxvii) Red Butte Wilderness;
 - (xxviii) Red Mountain Wilderness;
 - (xxix) Slaughter Creek Wilderness;
 - (xxx) Taylor Creek Wilderness;
 - (xxxi) Twin Peaks Wilderness;
 - (xxxii) Wellsville Mountain Wilderness; and
 - (xxxiii) Zion Wilderness;
- (i) lands with respect to which the jurisdiction is ceded to the United States as provided in Section 63L-1-201 or 63L-1-203;
 - (j) real property or tangible personal property owned by the United States if the property is within the boundaries of a municipality; or
 - (k) lands, including water rights, belonging to an Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

Enacted by Chapter 353, 2012 General Session

63L-6-103 Transfer of public lands.

- (1) On or before December 31, 2014, the United States shall:
 - (a) extinguish title to public lands; and
 - (b) transfer title to public lands to the state.
- (2) If the state transfers title to any public lands with respect to which the state receives title under Subsection (1)(b), the state shall:
 - (a) retain 5% of the net proceeds the state receives from the transfer of title; and
 - (b) pay 95% of the net proceeds the state receives from the transfer of title to the United States.
- (3) In accordance with Utah Constitution Article X, Section 5, the amounts the state retains in accordance with Subsection (2)(a) shall be deposited into the permanent State School Fund.

Enacted by Chapter 353, 2012 General Session

63L-6-104 Severability clause.

If any provision of this chapter or the application of any provision to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of this chapter shall be given effect without the invalid provision or application. The provisions of this chapter are severable.

Enacted by Chapter 353, 2012 General Session

63L-6-105 Interstate compact -- Transfer of public land.

The Interstate Compact on the Transfer of Public Lands is hereby enacted and entered into with all other jurisdictions that can legally join in the compact, which is, in form, substantially as follows:

Interstate Compact on the Transfer of Public Lands

Whereas, the separation of powers, both between the branches of the federal government and between federal and state authority, is essential to the preservation of individual liberty;

Whereas, the Constitution of the United States creates a federal government of limited and enumerated powers and reserves to the states or to the people those powers not expressly granted to the federal government to protect the liberty of individual property incidental to the sovereignty and the health, safety, and welfare of its citizens;

Whereas, each state adopting and agreeing to be bound by this compact finds that the coordinated, regular, institutional exercise of its sovereign power under its respective constitution and the Constitution of the United States is an essential component of the governing partnership between the states and the federal government;

NOW, THEREFORE, the states hereto resolve and, by the adoption into law under their respective state constitutions of this Interstate Compact on the Transfer of Public Lands, agree, as follows:

Sec. 1. Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

- (1) "Associate member state" means any state that is not a "member state."
- (2) "Compact" means the Interstate Compact on the Transfer of Public Lands.
- (3) "Compact administrator" means the person selected by the compact commission to staff the compact commission and whose duties, powers, and tenure are only those approved by the commission.
- (4) "Compact commission" means the entity composed of member state representatives and who will administer the compact.
- (5) "Compact notice recipient" means the archivist of the United States, the president of the United States, the office of the secretary of the United States Senate, the majority leader of the United States Senate, the speaker of the United States House of Representatives, the office of the clerk of the United States House of Representatives, the chief executive of each state, and the presiding officer of each chamber of the Legislature of each state.
- (6) "Member state" means any of the following states that are a signatory to the compact and that have adopted it under the laws of that state: Alaska; Arizona; California; Colorado; Idaho; Montana; Nevada; New Mexico; Oregon; Utah; Washington; and Wyoming.

Sec. 2. Purpose of the compact and commission.

The purpose of the compact and the compact commission is to study, collect data, and develop political and legal mechanisms for securing the transfer to the respective member states of certain specially identified federally controlled public lands within the respective member state boundaries.

Sec. 3. Compact commission and compact administrator.

(1) The compact commission is hereby established and has the powers and duties as follows:

- (a) elect, by majority vote, a chair and cochair from among the compact's members, who shall serve a term of office of two years and may serve no more than two terms as chair or cochair;
- (b) appoint a compact administrator who shall report to the chair and cochair;
- (c) request and disburse funds for the operation of the compact commission;

- (d) allow the compact commission to seek staff and research assistance from nonprofit organizations;
- (e) adopt parliamentary procedures and publish bylaws consistent with member states;
- (f) receive, evaluate, and respond to input from compact commission members regarding actions taken by the federal government that interfere with the:
 - (i) powers reserved to the state;
 - (ii) regulation of real property, including land titles, uses, and transfers;
 - (iii) regulation of agriculture and nonagricultural businesses that do not engage in interstate commerce; and
 - (iv) jurisdiction for the health, safety, and welfare of a state's residents;
- (g) keep and publish minutes of compact commission meetings and records of the compact administrator both of which shall be considered public records and available upon request by the public; and
- (h) prepare an annual report of the compact commission's activities for member and associate member states.

(2) The compact administrator shall staff the compact commission, perform duties, and exercise powers as granted by the commission, or as directed by the chair or cochair.

(3) A majority of the member state representatives present at a compact commission meeting constitutes a quorum and an action of the quorum constitutes an action of the compact commission. Each member state shall have one official representative who shall have one vote.

(4) The compact commission may not take any action within a member or associate member state that contravenes any state law of that member or associate member state.

Sec. 4. Compact membership and withdrawal.

(1) Each member and associate member state agrees to perform and comply in accordance with the terms of membership of this compact consistent with the constitution and laws of the member or associate member state. Actions by members of the compact, for the purpose for which it was created, are based upon the mutual participation, reliance, and reciprocal performance in agreeing to enact this compact into law.

(2) A state enacting this compact into law shall appoint one official representative to the compact commission and shall provide to the compact commission a letter of that representative's appointment. A copy of the letter of appointment with a government-issued photo identity card shall constitute proof of membership on the compact commission.

(3) For voting purposes, only a member state representative may vote and each member state may have only one vote.

(4) A member or associate member state may withdraw from this compact by enacting legislation and giving notice of the enacted withdrawal legislation to the compact administrator. No such withdrawal shall take effect until six months following the enactment of withdrawal legislation and a withdrawing state is liable for any obligations that it may have incurred prior to the date upon which its withdrawal legislation becomes effective.

Sec. 5. Adoption of compact.

Upon a state adopting the compact and notifying the compact administrator, the administrator shall notify all other member states of the adoption by sending an updated certified copy of the compact with the new adoptee state listed.

Sec. 6. Commission meetings.

(1) The initial meeting of the compact commission shall be within 90 days after the compact is enacted by two or more states. The official representatives of the enacting states shall determine the date, time, and location of the initial meeting and publish that information in their respective states in a manner consistent with the laws of those states for posting notifications

and agendas of public meetings. At the initial meeting, those official representatives shall, as provided in Sec. 4, elect a chair and cochair, and appoint a compact administrator. The compact administrator shall, as directed by the compact commission chairs and as provided in the compact, organize the compact commission's activities.

(2) Following the compact commission's initial meeting, the compact commission shall meet at least one time per year. No meeting shall continue longer than three consecutive days.

(3) Special meetings may be called if half or more of the member states notify the chair of the compact commission in writing of the request for a meeting. Attendance at the meeting may be in person or by electronic means.

(4) Meetings shall be recorded, and the recording and minutes of the meeting shall be made available to the public within 30 days after the meeting. Meetings closed to the public are not permitted except where provided by law in the state in which the meeting is held.

Sec. 7. Funding.

(1) The compact commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The compact commission may accept any appropriate revenue sources, donations, and grants of money, equipment, supplies, material, and services.

(3) (a) The compact commission may, in accordance with Subsections (3)(b) and (c), levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the compact commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources.

(b) The compact commission may not levy and collect an annual assessment against a member state if the member state:

(i) (A) votes against the annual assessment; or

(B) was absent from the commission meeting during which the commission voted to approve the annual assessment; and

(ii) within sixty days of the vote to impose the annual assessment, notifies the commission in writing that the member state does not consent to the levy of the annual assessment.

(c) The aggregate annual assessment amount shall be allocated based on a formula to be determined by the compact commission, which shall adopt a rule that is binding on all member states.

(4) The compact commission shall not incur obligations of any kind prior to securing the funds adequate to meet the obligation, nor shall the compact commission pledge the credit of any of the member states, except by and with authority of the member state.

(5) The compact commission shall keep accurate accounts of all receipts and disbursements, and that information shall be available within 30 days upon request by a compact commission member, or by a member state or associate member state. All receipts and disbursements of funds handled by the compact commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in the annual report of the commission.

Sec. 8. Cooperation.

The compact commission, member states, associate member states, and the compact administrator shall cooperate and offer mutual assistance with each other in enforcing the terms of the compact for securing the transfer of title to federally controlled public lands to willing western states.

Sec. 9. Declaration of Interstate Compact on the Transfer of Public Lands goals.

(1) Member states, in order to restore, protect, and promote state sovereignty and the health, safety, and welfare of their citizens, shall:

(a) develop and draft model uniform legislation for member states to adopt in securing sovereignty and jurisdiction over federal lands within the respective member state boundaries;

(b) develop and draft model uniform legislation for member states to send to their federal delegation for introduction in Congress for the transfer of federally controlled public lands to the respective member state governments; and

(c) develop legal strategies for securing state sovereignty and jurisdiction over federally controlled public lands within member state boundaries.

(2) The compact goals in Subsection (1) take effect when:

(a) two states have become member states and adopted the terms in legislation; and

(b) Congress votes to consent to the terms of this compact under United States Constitution Article I, Section 10.

Amended by Chapter 305, 2015 General Session

Chapter 7

Utah Wilderness Act

63L-7-101 Title.

This chapter is known as the "Utah Wilderness Act."

Enacted by Chapter 323, 2014 General Session

63L-7-102 Purpose.

(1) The purpose of this chapter is to:

(a) secure for the people of Utah, present and future generations, as well as for visitors to Utah, the benefits of an enduring resource of wilderness on designated state-owned lands;

(b) provide a window into the natural world, into which our pioneer forebears ventured and formed our collective story and character;

(c) recognize that the preservation of wilderness shall be part of a balanced pattern of multiple land uses;

(d) demonstrate the proper stewardship of certain primitive lands by providing the protection to allow natural forces to operate; and

(e) create a Utah wilderness preservation system.

(2) No state-owned lands may be designated as a protected wilderness area except as provided in this chapter.

(3) This chapter does not apply to lands owned or acquired by the School and Institutional Trust Lands Administration.

Enacted by Chapter 323, 2014 General Session

63L-7-103 Definitions.

As used in this chapter:

(1) "Acquisition date" means the day on which the state received title to land.

(2) "Conservation area" means an area that potentially has wilderness characteristics.

- (3) "DNR" means the Department of Natural Resources.
- (4) "PLPCO" means the Public Lands Policy Coordination Office.
- (5) "Protected wilderness area" means an area of wilderness that has been designated under this chapter as part of the Utah wilderness preservation system.
- (6) "Road" means a road classified as either a class B road, as described in Section 72-3-103, or a class D road, as described in Section 72-3-105.
- (7) "Roadless area" means an area without a road, as defined in Subsection (6).
- (8) "Wilderness" means a roadless area of undeveloped state-owned land, other than land owned by the School and Institutional Trust Lands Administration, that:
 - (a) is acquired by the state from the federal government through purchase, exchange, grant, or any other means of conveyance of title after May 13, 2014;
 - (b) retains its primeval character and influence, without permanent improvements or human habitation;
 - (c) generally appears to have been affected primarily by the forces of nature, with minimal human impact;
 - (d) has at least 5,000 contiguous acres of land, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition;
 - (e) has outstanding opportunities for solitude, or a primitive and unconfined type of recreation; and
 - (f) may contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

Enacted by Chapter 323, 2014 General Session

63L-7-104 Identification of a potential wilderness area.

- (1)
 - (a) Subject to Subsection (1)(b), the advisor of PLPCO, within one year of the acquisition date, shall identify within a parcel of acquired land any conservation areas.
 - (b) Before identifying a parcel of land as a conservation area, the advisor of PLPCO shall:
 - (i) inform the School and Institutional Trust Lands Administration that a parcel is being considered for designation as a conservation area; and
 - (ii) provide the School and Institutional Trust Lands Administration with the opportunity to trade out land owned by the School and Institutional Trust Lands Administration for the parcel in question subject to reaching an exchange agreement with the agency that manages the parcel.
- (2) The advisor of PLPCO shall:
 - (a) file a map and legal description of each identified conservation area with the governor, the Senate, and the House of Representatives;
 - (b) maintain, and make available to the public, records pertaining to identified conservation areas, including:
 - (i) maps;
 - (ii) legal descriptions;
 - (iii) copies of proposed regulations governing the conservation area; and
 - (iv) copies of public notices of, and reports submitted to the Legislature, regarding pending additions, eliminations, or modifications to a conservation area; and
 - (c) within five years of the date of acquisition:
 - (i) review each identified conservation area for its suitability to be classified as a protected wilderness area; and

- (ii) report the findings under Subsection (2)(c)(i) to the governor.
- (3) The records described in Subsection (2)(b) shall be available for inspection at:
 - (a) the PLPCO office;
 - (b) the main office of DNR;
 - (c) a regional office of the Division of Forestry, Fire, and State Lands for any record that deals with an identified conservation area in that region; and
 - (d) the Division of State Parks or the Division of Outdoor Recreation.
- (4) A conservation area may be designated as a protected wilderness area as described in Section 63L-7-105.
- (5) A conservation area identified under Subsection (1) shall be managed by DNR, in coordination with the county government having jurisdiction over the area, without the conservation area being designated as a protected wilderness area unless otherwise provided by the Legislature.

Amended by Chapter 140, 2025 General Session

63L-7-105 Report to the governor -- Governor's report to the Legislature -- Designation of a protected wilderness area -- Modification of a protected wilderness area -- Rulemaking authority.

- (1) Within five years of the acquisition date of a parcel of land, the advisor of PLPCO shall:
 - (a) review all areas identified as conservation areas under Section 63L-7-104; and
 - (b) subject to Subsection (3), submit a report and recommendation to the governor on the suitability of a conservation area for designation as a protected wilderness area.
- (2) Before making a recommendation, the advisor of PLPCO shall:
 - (a) give notice of the proposed recommendation in a newspaper having general circulation in the vicinity of the affected land;
 - (b) hold a public hearing at a location convenient to citizens who live in the affected area; and
 - (c) at least 30 days before the date of the hearing described in Subsection (2)(b), invite local authorities to submit their opinions on the proposed action:
 - (i) at the hearing; or
 - (ii) to the advisor of PLPCO, in writing, no later than 30 days after the day on which the hearing is held.
- (3) Any opinions submitted to the advisor of PLPCO shall be included with any recommendations to the governor under Subsection (2) and the Legislature under Subsection (5).
- (4) The governor shall, after receiving the reports described in Subsection (1)(b):
 - (a) formulate a recommendation on which conservation areas to designate as protected wilderness areas; and
 - (b) advise the speaker of the House of Representatives and the president of the Senate of the governor's recommendation.
- (5) An area shall be designated as a protected wilderness area upon a concurrent resolution of the Legislature, the governor concurring therein, including:
 - (a) the legal description of the proposed protected wilderness area; and
 - (b) any special conditions that shall be placed upon the protected wilderness area.
- (6) Any modification or adjustment to the boundaries of a protected wilderness area shall be:
 - (a) recommended by the advisor of PLPCO after public notice of, and hearing on, the proposal, as described in Subsections (1) and (2); and
 - (b) made official as described in Subsections (4) and (5).
- (7) DNR shall make rules governing the protection of a protected wilderness area.

Amended by Chapter 140, 2025 General Session

63L-7-106 Use of protected wilderness areas.

- (1) Except as otherwise provided in this chapter, each agency administering any area designated as a protected wilderness area shall be responsible for preserving the wilderness character of the area and shall administer such area for the purposes for which it may have been established to preserve its wilderness character.
- (2) Except as specifically provided in this chapter, and subject to valid existing rights, there shall be:
 - (a) no commercial enterprise and no permanent road within any protected wilderness area designated by this chapter; and
 - (b) no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation with any such area except as necessary to meet minimum requirements for the administration of the area for the purpose of this chapter, including measures required in emergencies involving the health and safety of persons within the area.
- (3) Except as otherwise provided in this chapter, a protected wilderness area shall be devoted to the public purposes of:
 - (a) recreation, including hunting, trapping, and fishing;
 - (b) conservation; and
 - (c) scenic, scientific, educational, and historical use.
- (4) Commercial services may be performed within a protected wilderness area to the extent necessary to support the activities described in Subsection (3).
- (5) Within an area designated as a protected wilderness area by this chapter:
 - (a) subject to the rules established by DNR, the use of a motor vehicle, aircraft, or motorboat is authorized where:
 - (i) the use of a motor vehicle, aircraft, or motorboat is already established;
 - (ii) the motor vehicle, aircraft, or motorboat is used by the Division of Wildlife Resources in furtherance of its wildlife management responsibilities, as described in Title 23A, Wildlife Resources Act; or
 - (iii) the use of a motor vehicle, aircraft, or motorboat is necessary for emergency services or law enforcement purposes; and
 - (b) measures may be taken, under the direction of the director of the Division of Forestry, Fire, and State Lands, as necessary to manage fire, insects, habitat, and diseases.
- (6) Nothing in this chapter shall prevent, within a designated protected wilderness area, any activity, including prospecting, if the activity is conducted in a manner compatible with the preservation of the wilderness environment, subject to such conditions as the executive director of DNR considers desirable.
- (7) The executive director of DNR shall develop and conduct surveys of wilderness areas:
 - (a) on a planned, recurring basis;
 - (b) in a manner consistent with wildlife management and preservation principles;
 - (c) in order to determine the mineral values, if any, that may be present in wilderness areas; and
 - (d) make a completed survey available to the public, the governor, and the Legislature.
- (8) Notwithstanding any other provision of this chapter, until midnight December 31, 2034:
 - (a) state laws pertaining to mining and mineral leasing shall, to the extent applicable before May 13, 2014, extend to wilderness areas designated under this chapter, subject to reasonable regulation governing ingress and egress as may be prescribed by the executive director of DNR, consistent with the use of the land for:

- (i) mineral location and development;
- (ii) exploration, drilling, and production; and
- (iii) use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including the use of mechanized ground or air equipment when necessary, if restoration of the disturbed land is practicable and performed as soon as the land has served its purpose; and
- (b) mining locations lying within the boundaries of a protected wilderness area that existed as of the date of acquisition shall be held and used solely for mining or processing operations, and uses that are reasonably related to an underlying mining or processing operation.
- (9) Any newly issued mineral lease, permit, or license for land within a wilderness area shall contain stipulations, as may be determined by the executive director of DNR in consultation with the director of the Division of Oil, Gas, and Mining, for the protection of the wilderness character of the land, consistent with the use of the land for the purpose for which it is leased, permitted, or licensed.
- (10) Subject to valid rights then existing, effective January 1, 2015, the minerals in all lands designated by this chapter as wilderness areas are withdrawn from disposition under all laws pertaining to mineral leasing.
- (11) Mineral leases shall not be permitted within protected wilderness areas.
- (12) The governor may, within protected wilderness areas, authorize:
 - (a) prospecting for water resources;
 - (b) the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in developing water resources, including road construction and essential maintenance; and
 - (c) subject to Subsection (13), the grazing of livestock, if the practice of grazing livestock was established as of the effective date of this chapter.
- (13) The commissioner of the Department of Agriculture and Food may make regulations as necessary to govern the grazing of livestock on a protected wilderness area.

Amended by Chapter 34, 2023 General Session

63L-7-107 Private lands within wilderness areas.

- (1) In any case where privately owned land is completely surrounded by lands within areas designated by this chapter as protected wilderness:
 - (a) the private landowner shall be given rights as may be necessary to ensure adequate access to the privately owned land by the private owner and any successors in interest; or
 - (b) the privately owned land shall be exchanged for state-owned land of approximately equal value.
- (2) If the School Institutional Trust Lands Administration owns land that is completely surrounded by lands within areas designated by this chapter as protected wilderness:
 - (a) the School Institutional Trust Lands Administration shall be given rights as may be necessary to ensure adequate access to the land owned by the School Institutional Trust Lands Administration and any successors in interest; or
 - (b) the land owned by the School Institutional Trust Lands Administration may be exchanged for state-owned land of approximately equal value.
- (3) If a valid mining claim or other valid occupancy is located wholly within a protected wilderness area, the executive director of DNR shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas

by means which have been, or are being, customarily enjoyed with respect to other similarly situated areas.

- (4) Subject to available funds, PLPCO is authorized to acquire land, or interest in land, through purchase from a private landowner.

Enacted by Chapter 323, 2014 General Session

63L-7-108 Gifts, bequests, and contributions.

- (1) The executive director of DNR may accept gifts or bequests of land:
 - (a) within protected wilderness areas designated pursuant to this chapter for preservation as wilderness; and
 - (b) adjacent to designated protected wilderness areas, if the executive director of DNR gives 60 days advance notice to the governor.
- (2) Land accepted by the executive director of DNR under this section:
 - (a) shall become part of the protected wilderness area involved; and
 - (b) is subject to:
 - (i) the same regulations made under this chapter; and
 - (ii) any conditions that were made at the time the gift or bequest was made that are consistent with the regulations made under this chapter.

Enacted by Chapter 323, 2014 General Session

63L-7-109 Annual reports.

- (1) The advisor of PLPCO shall report to the governor, for transmission to the Legislature, on:
 - (a) the status of the Utah wilderness preservation system;
 - (b) regulations in effect; and
 - (c) other pertinent information.
- (2) The advisor of PLPCO shall report any recommendations for future action to the Natural Resources, Agriculture, and Environment Interim Committee by November 30 of each year.

Amended by Chapter 140, 2025 General Session

Chapter 8

Utah Public Land Management Act

Part 1

General Provisions

63L-8-101 Title.

- (1) This chapter is known as the "Utah Public Land Management Act."
- (2) This part is known as "General Provisions."

Enacted by Chapter 317, 2016 General Session

63L-8-102 Definitions.

As used in this chapter:

- (1) "Board" means the board created in Section 63L-9-104.
- (2) "Commissioner" means the commissioner of the Department of Agriculture and Food, or the commissioner's designee.
- (3) "DAF" means the Department of Agriculture and Food.
- (4) "Director" means the director of the Department of Land Management or the director's designee.
- (5) "DLM" means the Department of Land Management, created in Section 63L-9-102.
- (6) "Grazing permit" means a document, issued by the Department of Land Management, authorizing use of public land for the purpose of grazing domestic livestock.
- (7) "Land use authorization" means an easement, lease, permit, or license to occupy, use, or traverse public land granted for a particular purpose.
- (8) "Minerals" means all classes of inorganic material upon, within, or beneath the surface of public land, including silver, gold, copper, lead, zinc, uranium, gemstones, potash, gypsum, clay, salts, sand, rock, gravel, oil, oil shale, oil sands, gas, coal, and all carboniferous materials.
- (9) "Multiple use" means:
 - (a) the management of the public land and the public land's various resource values so resources are best utilized in the combination that will meet the present and future needs of the citizens of Utah;
 - (b) making the most judicious use of land for some or all of the resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions;
 - (c) a combination of balanced and diverse resource uses that take into account the long-term needs of future generations for renewable and nonrenewable resources, including recreation, hunting, fishing, trapping, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific, and historic values; and
 - (d) harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources.
- (10) "Public land" means any land or land interest:
 - (a) acquired by the state from the federal government pursuant to Section 63L-6-103, except:
 - (i) areas subsequently designated as a protected wilderness area, as described in Title 63L, Chapter 7, Utah Wilderness Act; and
 - (ii) lands managed by the School and Institutional Trust Lands Administration pursuant to Title 53C, School and Institutional Trust Lands Management Act; or
 - (b) for which the state is given management responsibility from the federal government.
- (11) "Rangeland" means open public land used for grazing domestic livestock.
- (12) "Sustained yield" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public land consistent with multiple use.
- (13) "Wilderness" means the same as that term is defined in Section 63L-7-103.

Amended by Chapter 451, 2017 General Session

63L-8-103 Principal or major use.

Each parcel of public land in this state shall be managed, as much as possible, to promote the following principal or major uses of the land, consistent with the principles of multiple use and sustained yield:

- (1) domestic livestock grazing;

- (2) fish and wildlife development and utilization, including hunting, fishing, and trapping;
- (3) mineral exploration and production;
- (4) rights-of-way;
- (5) outdoor recreation;
- (6) timber production; and
- (7) wilderness conservation.

Amended by Chapter 451, 2017 General Session

63L-8-104 Declaration of policy -- Sales and exchanges.

- (1) The Legislature declares that it is the policy of the state that:
 - (a) public land be retained in state ownership consistent with the provisions of this chapter for the enjoyment and betterment of the public and the state;
 - (b) public land may not be sold, except:
 - (i) as consistent with Section 63L-8-204 and the other provisions of this chapter;
 - (ii) as consistent with local land use plans;
 - (iii) with the approval of the director and the board;
 - (iv) after sufficient opportunity for public comment; and
 - (v) for an important public interest;
 - (c) goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield, unless otherwise provided by statute; and
 - (d) the public land be managed in a manner that will:
 - (i) recognize the state's need for domestic sources of minerals, food, timber, and fiber;
 - (ii) protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values;
 - (iii) where appropriate, preserve and protect certain public land in its natural condition;
 - (iv) provide food and habitat for fish, wildlife, and domestic animals; and
 - (v) provide for hunting, fishing, trapping, outdoor recreation, human occupancy, and other human use, including the general enjoyment of nature and solitude.
- (2) All rules made to effectuate the purposes of this chapter shall be made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 451, 2017 General Session

63L-8-105 Interdepartmental cooperation.

- (1) The director, subject to periodic review of the Legislature, may establish programs to conduct projects, planning, permitting, leasing, contracting and other activities on public land.
- (2)
 - (a) The director shall provide management policies and programs for all uses of public land, including the principal or major uses described in Section 63L-8-103.
 - (b) The director shall consult with the commissioner, who may make recommendations to the director on rangeland management issues on public land, including:
 - (i) determining the number of domestic animals that may be sustained on a tract of land while maintaining that land for wildlife and fish use and future grazing use; and
 - (ii) issuing grazing permits.
 - (c) The director shall consult with other state agencies having management responsibility over natural resources that may be impacted by management decisions and actions on public

land, including the Department of Natural Resources, the Department of Agriculture and Food, and the Division of Wildlife Resources.

Amended by Chapter 451, 2017 General Session

Part 2

Identification and Land Use Planning

63L-8-201 Title.

This part is known as "Identification and Land Use Planning."

Enacted by Chapter 317, 2016 General Session

63L-8-202 Land use planning.

- (1) The director, in consultation with the board, the commissioner, and other state agencies with management authority over other state owned land and resources affected by land use planning shall, with public involvement, develop, maintain, and revise land use plans that address the use and conservation of public land in the state.
- (2) In the development and revision of land use plans, the director shall:
 - (a) use and observe the principles of multiple use and sustained yield;
 - (b) develop rules describing the degree of planning necessary for each category of activity upon, or conservation of, public land;
 - (c) provide for compliance with applicable pollution control laws;
 - (d) make determinations concerning the management, protection, and conservation of plant species officially designated as endangered or threatened under the federal Endangered Species Act of 1973, as amended, on public land; and
 - (e) to the extent consistent with the laws governing the administration of the public land:
 - (i) coordinate the land use inventory, planning, and management activities for public land with the land use planning and management programs of the county government within which the public land is located; and
 - (ii) involve the public and local county officials in the development of land use programs, land use rules, and land use decisions for public land, including early public notice of proposed decisions, programs, or regulations that may have a significant impact on non-public land.
- (3) The director shall, to the maximum extent possible and consistent with this chapter, implement land use plans that provide for consistent results with local land use plans.
- (4)
 - (a) Management decisions shall remain subject to reconsideration, modification, and termination through revision by the director, subject to contractual rights granted by any land use authorization issued by the division.
 - (b) The director shall report to the speaker of the House of Representatives and the president of the Senate on a management program or policy decision that eliminates, for two or more years, one or more of the principal or major uses of a tract of public land of 1,000 acres or more.
- (5) The director shall:
 - (a) allow an opportunity for public involvement; and

- (b) establish rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to give governments and the public adequate notice and opportunity to comment upon and participate in the formulation of plans, programs, and policies relating to the management of the public land.

Enacted by Chapter 317, 2016 General Session

63L-8-203 Honoring pre-existing claims and rights.

- (1) Upon receiving title to a tract of federal public land, the state shall honor all pre-existing rights that run appurtenant to that tract of federal public land.
- (2) The state shall develop an adjudicative process to deal with competing claims to rights that run appurtenant to a tract of federal public land.

Enacted by Chapter 317, 2016 General Session

63L-8-204 Exchanges and sales.

- (1)
 - (a) It is the policy of this state that exchanges of public land are preferred to any sale of public land, and that when pursuing an exchange, an exchange with the School and Institutional Trust Lands Administration is preferred to an exchange with any other party.
 - (b) If the DLM proposes an exchange of public land for a different parcel of land, the land the DLM seeks to acquire shall be larger in acreage or considered more valuable for one or more of the principal or major uses described in Section 63L-8-103 than the land the DLM is offering in exchange.
 - (c) The state may exchange a parcel of public land with the federal government, the School and Institutional Trust Lands Administration, or a private party for a similarly valued parcel of land if:
 - (i) no more than 1,000 acres of public land is exchanged with the federal government, the School and Institutional Trust Lands Administration, or the private party in one calendar year; or
 - (ii) the exchange is approved by a two-thirds vote of the Legislature.
- (2) The DLM may execute a sale of a parcel of public land if:
 - (a) the requirements of Subsection 63L-8-104(1)(b) have been met;
 - (b) the following information is made available on the DLM's website for 30 days before the day on which the director executes the sale:
 - (i) the legal description of the parcel;
 - (ii) the local land use plan governing the parcel;
 - (iii) the proposed purchaser of the parcel;
 - (iv) the DLM's findings that the sale will further an important public objective, including expansion of a local community;
 - (v) the minutes or a recording of a meeting in which the public comment was taken on the proposed sale; and
 - (vi) the purchase price, which may not be less than fair market value;
 - (c) the director, having completed the land use planning process described in Section 63L-8-202, has determined that the parcel in question:
 - (i) is not suitable for long-term management by the DLM or another state agency because of the parcel's location or other characteristics; and
 - (ii) has minimal value for hunting, fishing, or other outdoor recreation;

- (d) the parcel is 100 acres or smaller;
 - (e) the director has determined an exchange, as described in Subsection (1), is not possible;
 - (f) a competitive bidding process is used to determine the purchaser of the parcel;
 - (g) the sale is approved by a two-thirds vote of the Legislature; and
 - (h) the sale is approved by the governor.
- (3) All proceeds of a sale under Subsection (2) shall be:
- (a) deposited in the Public Land Management Fund created in Section 63L-8-308; and
 - (b) used to:
 - (i) acquire additional land that the DLM has determined would be appropriate for public purposes;
 - (ii) improve existing public land for one or more principal or major uses, as described in Section 63L-8-103; and
 - (iii) increase the utilization of the public land by the public.

Enacted by Chapter 451, 2017 General Session

Part 3

Administration of the Utah Public Land Management Act

63L-8-301 Title.

This part is known as "Administration of the Utah Public Land Management Act."

Enacted by Chapter 317, 2016 General Session

63L-8-302 Department of Land Management.

Except as otherwise provided by law, the Department of Land Management, created in Section 63L-9-102, shall provide necessary staff support for the implementation of this chapter.

Amended by Chapter 451, 2017 General Session

63L-8-303 Management of use, occupancy, and development of public land.

- (1) As used in this section, "casual" means activity that:
- (a) occurs irregularly; and
 - (b) is non-commercial.
- (2)
- (a) Except as provided in Subsection (2)(b), the director shall manage the public land under principles of multiple use and sustained yield, in accordance with land use plans developed by the DLM.
 - (b) Where a tract of public land has been dedicated to a specific use according to a provision of law, legal encumbrance, or contractual obligation, it shall be managed in accordance with those provisions.
- (3)
- (a) The director shall, subject to Subsection (3)(b) and other applicable law, authorize use of the public land through land use authorizations.
 - (b) The director may permit state departments, agencies, and local governments to use, occupy, and develop public land through rights-of-way or other cooperative agreements.

- (c) The director may authorize use of the land through specific programs, such as:
 - (i) the collection of firewood, nuts, or the casual gathering of other organic products;
 - (ii) camping or other casual use;
 - (iii) rockhounding, building stone, or the gathering of other rock products; or
 - (iv) other casual uses.
- (d) The programs described in Subsection (3)(c) may require the issuance of a permit and collection of a reasonable fee, if necessary.
- (e) Nothing in this chapter shall be construed as:
 - (i) authorizing the director to:
 - (A) require permits to hunt and fish on public land and adjacent water beyond those approved by the Wildlife Board pursuant to Title 23A, Wildlife Resources Act; or
 - (B) to close public land or areas of public land to hunting, fishing, or trapping, except as provided in Subsection (3)(f); or
 - (ii) enlarging or diminishing the responsibility and authority of the Wildlife Board or Division of Wildlife Resources for management of fish and resident wildlife on public land pursuant to Title 23A, Wildlife Resources Act.
- (f) The director may designate areas of public land where, and establish periods when, no hunting will be permitted on public land for reasons of public safety, administration, or compliance with provisions of applicable law.
- (4) Subject to Subsection (5), the director shall insert in any land use authorization providing for the use, occupancy, or development of the public land, a provision authorizing revocation or suspension, after notice and hearing, of the authorization upon a final administrative finding of a violation of any term or condition of the authorization.
- (5)
 - (a) The director may immediately revoke or suspend a land use authorization if, after notice and administrative hearing, there is an administrative finding that the holder violated a term or condition of the authorization.
 - (b) If a holder of an authorization rectifies the violation that formed the basis of the director's suspension under Subsection (5)(a), the director may terminate the suspension.
- (6) The director may order an immediate temporary suspension before a hearing or final administrative finding if the director determines that a suspension is necessary to protect:
 - (a) health or safety; or
 - (b) the environment.
- (7) Use of public land pursuant to a general authorization under this section shall be limited to areas where the use is consistent with the applicable land use plans prepared pursuant to Section 63L-8-202.
- (8) A general authorization for the use of public land shall be subject to:
 - (a) a requirement that the using party shall be responsible for any necessary cleanup and decontamination of the land used; and
 - (b) terms and conditions, including restrictions on use of off-road or all-terrain vehicles, as the director deems appropriate.
- (9) A general authorization issued pursuant to this section:
 - (a) may not be for a term exceeding five years; and
 - (b) shall be revoked in whole or in part, as the director finds necessary, upon a determination by the director that:
 - (i) there has been a failure to comply with its terms and conditions; or
 - (ii) activities permitted by the authorization have had, or might have, a significant adverse impact on the resources or values of the affected lands.

- (10) Each specific use of a particular area of public land pursuant to a general authorization under this section is subject to:
 - (a) specific authorization by the director; and
 - (b) appropriate terms and conditions, as described in this section.
- (11) An authorization under this section may not authorize the construction of permanent structures or facilities on the public land.
- (12) No one may use or occupy public land without appropriate authorization.

Amended by Chapter 34, 2023 General Session

63L-8-304 Enforcement authority.

- (1) The director shall issue rules as necessary to implement the provisions of this chapter with respect to the management, use, and protection of the public land and property located on the public land.
- (2) At the request of the director, the attorney general may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, for an injunction or other appropriate remedy to prevent any person from utilizing public land in violation of this chapter or rules issued by the director under this chapter.
- (3) The use, occupancy, or development of any portion of the public land contrary to any rule issued by the DLM in accordance with this chapter, and without proper authorization, is unlawful and prohibited.
- (4)
 - (a) The locally elected county sheriff is the primary law enforcement authority with jurisdiction on public land to enforce:
 - (i) all the laws of this state; and
 - (ii) this chapter and rules issued by the director pursuant to Subsection (1).
 - (b) The governor may utilize the Department of Public Safety for the purposes of assisting the county sheriff in enforcing:
 - (i) all the laws of this state and this chapter; and
 - (ii) rules issued by the director pursuant to Subsection (1).
 - (c) A natural resources officer employed under Title 79, Chapter 2, Part 7, Division of Law Enforcement, has authority to enforce the laws and regulations under Title 23A, Wildlife Resources Act, for the sake of any protected wildlife.
 - (d) A natural resources officer employed under Title 79, Chapter 2, Part 7, Division of Law Enforcement, shall work cooperatively with the locally elected county sheriff to enforce the laws and regulations under Title 23A, Wildlife Resources Act, for the sake of protected wildlife.
 - (e) Nothing herein shall be construed as enlarging or diminishing the responsibility or authority of a state certified peace officer in performing the officer's duties on public land.

Amended by Chapter 80, 2024 General Session

63L-8-305 Fees, charges, and commissions.

- (1) The director may establish reasonable filing and service fees with respect to applications and other documents relating to the public land, in accordance with Section 63J-1-504.
- (2) The director is authorized to require a deposit of any payments intended to reimburse the state for reasonable costs with respect to applications and other documents relating to such land.
- (3) The money received under this subsection shall be:

- (a) deposited in the Public Land Management Fund created in Section 63L-8-308; and
 - (b) authorized to be appropriated and made available until expended.
- (4)
- (a) As used in this section "reasonable costs" include:
 - (i) the costs of special studies;
 - (ii) environmental reviews;
 - (iii) monitoring construction, operation, maintenance, and termination of any authorized facility;
or
 - (iv) other special activities.
 - (b) In determining whether costs are reasonable, the director may take into consideration:
 - (i) actual costs, exclusive of management overhead;
 - (ii) the monetary value of the rights or privileges sought by the applicant;
 - (iii) the efficiency of the government processing involved;
 - (iv) that portion of the cost incurred for the benefit of the general public interest rather than for the exclusive benefit of the applicant;
 - (v) the public service provided; and
 - (vi) other factors relevant to determining the reasonableness of the costs.

Enacted by Chapter 317, 2016 General Session

63L-8-306 Availability of excess fees.

All fees authorized by this chapter, excluding mining claim fees, not otherwise dedicated by law for a specific distribution shall:

- (1) be deposited in the Public Land Management Fund created in Section 63L-8-308; and
- (2) remain available until expended.

Enacted by Chapter 317, 2016 General Session

63L-8-307 Public Land Protection Fund -- Forfeitures and deposits.

- (1) There is created an expendable special revenue fund known as the "Public Land Protection Fund."
- (2) The fund shall consist of:
 - (a) money appropriated by the Legislature;
 - (b) money received by the state as a result of:
 - (i) the forfeiture of a bond or other security by a resource developer or purchaser or permittee who does not fulfill the requirements of a contract or permit or does not comply with rules issued under this chapter; or
 - (ii) a compromise or settlement of any claim involving present or potential damage to the public land;
 - (c) money voluntarily donated or contributed to the fund; and
 - (d) interest earned on money in the fund.
- (3) The DLM may expend money in the fund to cover the cost of any improvement, protection, or rehabilitation work on public land, which is rendered necessary by the action that led to a forfeiture, compromise, or settlement.
- (4) If the director finds that any portion of a deposit or amount forfeited under this chapter is in excess of the cost of doing the work authorized under this chapter, the director may issue a refund of the amount in excess to be made from applicable funds.

Enacted by Chapter 317, 2016 General Session

63L-8-308 Public Land Management Fund.

- (1) There is created an expendable special revenue fund known as the "Public Land Management Fund."
- (2) The fund shall consist of:
 - (a) fees collected by the DLM under this chapter;
 - (b) money appropriated to the fund by the Legislature;
 - (c) money collected under Section 63L-8-505;
 - (d) money voluntarily donated or contributed to the fund;
 - (e) proceeds, as described in Subsection 63L-8-204(3); and
 - (f) interest earned on the fund.
- (3) The DLM may expend money in the fund on:
 - (a) administration costs;
 - (b) project planning;
 - (c) a payment authorized by this chapter; and
 - (d) other duties required under this chapter, including the acquisition and improvement of public land, as described in Section 63L-8-104.
- (4) The DLM shall annually expend money in the fund to pay a county in lieu of taxes the county cannot levy on public land owned by the state:
 - (a) in an amount no less than the highest amount ever fully authorized by Congress for payment to the county under the federal Payments in Lieu of Taxes and Secure Rural Schools programs, according to the most recent federal formulas before the effective date of this chapter, as described in Section 63L-8-602; and
 - (b) as funding allows.

Amended by Chapter 451, 2017 General Session

63L-8-309 Timber Fund.

- (1) There is created an expendable special revenue fund known as the "Timber Fund."
- (2) The fund described in Subsection (1) shall consist of:
 - (a) money received from the disposal of timber prepared for sale from public lands;
 - (b) money voluntarily donated or contributed to the fund; and
 - (c) interest earned on the fund.
- (3) The DLM may expend money in the fund for the purposes of:
 - (a) planning and preparing timber for disposal;
 - (b) the administration of timber sales;
 - (c) site preparation and reforestation;
 - (d) wildfire suppression and rehabilitation on forested public land; and
 - (e) overhead and direct costs associated with timber management.

Enacted by Chapter 317, 2016 General Session

63L-8-310 Grazing Land Fund.

- (1) There is created an expendable special revenue fund known as the "Grazing Land Fund."
- (2) The fund shall consist of:
 - (a) money received from grazing fees, as described in Section 63L-8-402;
 - (b) money voluntarily donated or contributed to the fund; and

- (c) interest earned on the fund.
- (3) The DLM may expend money in the fund for:
 - (a) on-the-ground range rehabilitation, protection, and improvements on public land that is grazed;
 - (b) seeding and reseeding;
 - (c) fence construction;
 - (d) weed control;
 - (e) water development;
 - (f) fish and wildlife habitat enhancement;
 - (g) wildfire suppression; and
 - (h) overhead and direct costs associated with rangeland and grazing management.

Enacted by Chapter 317, 2016 General Session

63L-8-311 Implementation provisions.

- (1)
 - (a) The director may conduct investigations, studies, and experiments involving the management, protection, development, acquisition, and transfer of public land.
 - (b) The director may work with other departments, agencies, or political subdivisions in conducting an investigation, study, or experiment, as described in Subsection (1)(a).
 - (c)
 - (i) Where an investigation, study, or experiment described in Subsection (1)(a) finds that the transfer of a tract of public land in excess of 200 acres would promote economic land management or serve an important public interest, including the expansion of communities and economic development, the director shall recommend the transfer to the Natural Resources, Agriculture, and Environment Interim Committee and include the basis for the recommendation.
 - (ii) No transfer of a tract of public land in excess of 200 acres may be authorized until approved by the Legislature and the governor.
- (2) The director may enter into contracts and cooperative agreements involving the management, protection, and development of public land.
- (3)
 - (a) The director may accept voluntary contributions or donations of money, services, and real or personal property for:
 - (i) the management, protection, and development of public land, including the acquisition of rights-of-way;
 - (ii) any purpose described in Sections 63L-8-307, 63L-8-308, 63L-8-309, and 63L-8-310; or
 - (iii) cadastral surveying performed on public land and intermingled land.
 - (b) The director shall deposit any money donated or contributed under this section in the account designated by the donor or, if not specified, in the Public Land Management Fund created in Section 63L-8-308.

Enacted by Chapter 317, 2016 General Session

63L-8-312 Annual reports.

- (1) The director shall:
 - (a) prepare a report on the public land in accordance with Subsection (2); and

- (b) submit the report to the Natural Resources, Agriculture, and Environment Interim Committee no later than October 31 annually.
- (2) A list of programs and specific information to be included in the report described in Subsection (1) shall be developed by the Natural Resources, Agriculture, and Environment Interim Committee before the end of each fiscal year.

Enacted by Chapter 317, 2016 General Session

Part 4

Range Management

63L-8-401 Title.

This part is known as "Range Management."

Enacted by Chapter 317, 2016 General Session

63L-8-402 Grazing fees -- Feasibility study -- Contents -- Submission of report -- Annual distribution and use of range betterment funds -- Nature of distributions.

- (1) As used in this section:
 - (a) "Animal unit" means one mature 1,000 pound cow and the cow's suckling calf.
 - (b) "Animal unit month" means the amount of forage needed by an animal unit grazing for one month.
 - (c) "Forage" means the food and water necessary to sustain a cow, according to the cow's metabolic weight.
- (2) The Legislature finds that, as of 2016, a substantial amount of the rangelands on the public land is deteriorating in quality due to federal mismanagement, and that installation of additional range improvements could arrest much of the continuing deterioration and lead to substantial betterment of forage conditions with resulting benefits to wildlife, watershed protection, and livestock production.
- (3) The director, in consultation with the commissioner, shall establish a fee, in accordance with Section 63J-1-504, to be charged for domestic livestock grazing on public land that is equitable to the:
 - (a) state and the state's citizens; and
 - (b) holders of grazing permits and leases on rangeland.
- (4) Subject to Subsection (5), the fee described in Subsection (3) shall be:
 - (a) determined using the following indices:
 - (i) the rental charge of pasturing cattle on private rangeland, or the forage value index (FVI);
 - (ii) the average annual sales price of beef cattle, or the beef cattle price index (BCPI); and
 - (iii) the cost of livestock production, or the prices paid index (PPI); and
 - (b) calculated as follows: $((FVI + BCPI - PPI)/100)$.
- (5)
 - (a) The minimum grazing fee shall be \$1.35 per animal unit month.
 - (b) The annual fee adjustment may not exceed 25% of the grazing fee from the previous fiscal year.
- (6)

- (a) Fifty percent of all money received by the state as fees for grazing domestic livestock on public land shall be deposited into the Grazing Land Fund created in Section 63L-8-310.
- (b) Fifty percent of money received by the state as fees for grazing domestic livestock on the public land shall be deposited into the Public Land Management Fund created in Section 63L-8-308.

Amended by Chapter 451, 2017 General Session

63L-8-403 Grazing permits and leases.

- (1)
 - (a) Except as provided in Subsection (2), permits and leases for domestic livestock grazing on public land issued by the director may not exceed a term of five years, subject to terms and conditions the director determines to be appropriate and consistent with this chapter.
 - (b) The director shall have authority to cancel, suspend, or modify a grazing permit or lease, in whole or in part:
 - (i) pursuant to the terms and conditions of the permit or lease;
 - (ii) for any violation of:
 - (A) this chapter or a grazing rule implemented under this chapter; or
 - (B) any term or condition of the grazing permit or lease; or
 - (iii) to protect rangeland health from overutilization pursuant to Subsection (7).
- (2) The holder of an expiring permit or lease shall be given first priority for receipt of the new permit or lease, provided:
 - (a) the land for which the permit or lease is issued remains available for domestic livestock grazing in accordance with a land use plan prepared pursuant to Section 63L-8-202;
 - (b) the permittee or lessee is in compliance with:
 - (i) the provisions of this chapter and the grazing rules issued by the DLM, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 - (ii) the terms and conditions in the permit or lease specified by the director;
 - (c) the permittee or lessee accepts the terms and conditions included by the director in the new permit or lease; and
 - (d) range conditions on the tract of public land are sufficient to support continued livestock grazing, as determined by the director pursuant to Subsection (7).
- (3) Permits and leases for domestic livestock grazing issued under this part may be incorporated in an allotment management plan developed by the director.
- (4)
 - (a) If the director elects to develop an allotment management plan for a given area, the director shall do so in consultation, cooperation, and coordination with:
 - (i) the lessees, permittees, and landowners involved;
 - (ii) the commissioner;
 - (iii) the Utah Grazing Improvement Program Advisory Board established under Section 4-20-103; and
 - (iv) the political subdivision having land within the area covered by the proposed allotment management plan.
 - (b) An allotment management plan shall be:
 - (i) tailored to the specific range condition of the area covered by the plan; and
 - (ii) reviewed on a periodic basis to determine:
 - (A) the efficacy of the plan in improving range conditions on the involved land; and
 - (B) whether the land can be better managed.

- (5) The director may revise or terminate plans, or develop new plans, after review and consideration, consultation, cooperation, and coordination with the parties listed in Subsection (4)(a).
- (6)
 - (a) In all cases where the director has not completed an allotment management plan or determines that an allotment management plan is not necessary for management of livestock operations, the director shall incorporate in grazing permits and leases the necessary terms and conditions for the appropriate management of the permitted or leased land.
 - (b) The director, in consultation with the commissioner:
 - (i) shall specify the number of animals to be grazed and the seasons of use; and
 - (ii) may reexamine the condition of the range and forage utilization at any time.
- (7) If the director finds that the condition of the range requires adjustment in the amount or other aspect of grazing use, the permittee or lessee shall adjust the permittee or lessee's use to the extent required by the director.
- (8) An allotment management plan may not refer to livestock operations or range improvements on non-public land, except where the non-public land is intermingled with public land and the consent of the owner of the non-public land and the permittee or lessee involved with the plan is obtained.
- (9)
 - (a) Whenever a permit or lease for grazing domestic livestock on public land is canceled, in whole or in part, in order to devote the land covered by the permit or lease to another public purpose, the permittee or lessee shall receive from the state reasonable compensation for the adjusted value, to be determined by the director, of the permittee's or lessee's interest in authorized permanent improvements placed or constructed by the permittee or lessee on lands covered by such permit or lease.
 - (b) The compensation described in Subsection (9)(a) may not exceed the fair market value of the terminated portion of the permittee's or lessee's interest.
- (10) Except in cases of emergency, a permit or lease may not be canceled under this section without one year's notification.

Amended by Chapter 84, 2022 General Session

63L-8-404 Valid existing right.

- (1) As used in this section, "valid existing right" means an interest in property that a person secures by meeting the requirements of this section.
- (2) A property right associated with a grazing allotment on public lands is a valid existing right if the owner of the grazing allotment:
 - (a) has a valid permit or lease issued by a federal agency that authorizes the permit or lease holder to use the public lands for grazing domestic livestock;
 - (b) grazes the land in a manner consistent with sustained yield;
 - (c) is able to demonstrate that the lands included in the grazing allotment covered by the permit are chiefly valuable for grazing; and
 - (d) obtains the preference rights to the lease or permit described in Subsection (2)(a) and begins grazing livestock on the public lands before a final decision by a federal agency to withdraw the public lands from use for livestock grazing.

Enacted by Chapter 184, 2024 General Session

Part 5

Rights-of-way Authorization

63L-8-501 Title.

This part is known as "Rights-of-Way Authorization."

Enacted by Chapter 317, 2016 General Session

63L-8-502 Rights-of-way for roads or facilities.

- (1) If the state receives title to public land from the federal government, the director shall, subject to Subsection (2), honor all:
 - (a) pre-existing rights-of-way granted to individuals, corporations, or political subdivisions, subject to Subsection (2); and
 - (b) rights-of-way asserted in quiet title lawsuits filed by the state or a county in federal court prior to taking ownership of the subject property.
- (2) If the director determines it is in the best interest of the state, the director may modify the fees, if any, charged to the holder of a right-of-way.

Enacted by Chapter 317, 2016 General Session

63L-8-503 Grant, issue, or renewal of land use authorizations on public lands.

- (1) The director is authorized to grant, issue, or renew land use authorizations over, upon, under, or through public land for:
 - (a) a reservoir, canal, ditch, flume, lateral, pipe, pipeline, tunnel, or other facility or system for the impoundment, storage, transportation, or distribution of water;
 - (b) a pipeline or other system for the transportation or distribution of:
 - (i) liquid and gas other than water;
 - (ii) natural gas, synthetic liquid, or gaseous fuels; or
 - (iii) a refined product produced from natural gas, synthetic liquid, or gaseous fuels;
 - (c) a storage or terminal facility in connection with the pipeline and other system described in Subsection (1)(b);
 - (d) a pipeline, slurry and emulsion system, conveyor belt for transportation and distribution of solid materials, or facility for the storage of solid materials in connection with a pipeline, slurry and emulsion system, or conveyor belt;
 - (e) a system for generation, transmission, and distribution of electric energy, if the applicant is in compliance with relevant state and federal requirements;
 - (f) a system for transmission or reception of radio, television, telephone, telegraph, Internet, or other electronic signal used in communication;
 - (g) a road, trail, highway, railroad, canal, tunnel, tramway, airway, livestock driveway, or other means of transportation, except where facilities are constructed and maintained in connection with commercial recreation facilities on lands in the state park system; or
 - (h) other necessary transportation systems or facilities that are in the public interest and that require rights-of-way over, upon, under, or through public land.
- (2) The director shall require, before granting, issuing, or renewing a right-of-way, that the applicant submit and disclose plans, contracts, agreements, or other information reasonably related

to the use, or intended use, of the right-of-way, that the director considers necessary for a determination on:

- (a) whether a right-of-way shall be granted, issued, or renewed; and
- (b) the terms and conditions that should be included in the right-of-way.
- (3) After the state receives title to public land, any alteration to the substantive terms of a right-of-way, lease, or other authorization granted before the transfer of the land shall require issuance of a new authorization.
- (4)
 - (a) Except as otherwise provided in this part, the director may, in accordance with Section 63L-8-509, terminate or suspend a right-of-way, easement, or authorization issued under this section, except for the road rights-of-way granted pursuant to Subsection (1)(b).
 - (b) An easement issued under this section may be terminated by the DLM without cause if the water system for which the easement was issued is used for any purpose other than agricultural irrigation, livestock watering, industrial use, or private or public culinary use.
- (5) For purposes of this chapter, non-use for a continuous five-year period of a water system developed for agricultural irrigation, livestock watering, or private or public culinary purposes shall constitute a rebuttable presumption of abandonment of the easement and the facilities comprising the water system.
- (6) Except as provided in Title 73, Water and Irrigation, nothing in this part shall confer on the director or other state official any power or authority to regulate or control the appropriation, diversion, or use of water for any purpose, or to require the conveyance or transfer to the state of any right or claim to the appropriation, diversion, or use of water.
- (7) If a right-of-way issued under this section deteriorates to the point of threatening a person or property, and the holder of the right-of-way, after consultation with the director, refuses to perform the repair and maintenance necessary to remove the threat, the director may:
 - (a)
 - (i) undertake such repair and maintenance on the right-of-way; and
 - (ii) assess the holder for the costs of the repair and maintenance; or
 - (b) suspend or terminate the right-of-way pursuant to Section 63L-8-509.

Enacted by Chapter 317, 2016 General Session

63L-8-504 Roads.

- (1) The director, with respect to public land, is authorized to provide for the authorization, construction, and maintenance of new and necessary roads within the public land that will permit utilization of the natural resources on such land, including the seven principal or major uses described in Section 63L-8-103.
- (2) The roads described in Subsection (1) shall be constructed to standards sufficient to provide for the safety of the authorized users of the road, and to protect the environment to the best available management standards applicable.
- (3) Financing of the roads described in Subsection (1) may be accomplished by:
 - (a) the director utilizing appropriated funds;
 - (b) requirements on authorized users of the natural resources and other products from the public land, including provisions for amortization of road costs in contracts;
 - (c) cooperative financing with other public agencies and with private agencies or persons; or
 - (d) a combination of these methods, provided that:
 - (i) where roads of a higher standard than that needed for harvesting or removing natural resources and other products from public land covered by a particular sale are to be

constructed, the authorized user may not be required to bear that part of the costs necessary to meet such higher standard; or

- (ii) when natural resource products are offered with the condition that the purchaser build a road or roads in accordance with standards specified in the offer, the authorized user is responsible for paying the full costs of road construction.

Enacted by Chapter 317, 2016 General Session

63L-8-505 Maintenance of facilities.

- (1)
 - (a) The director may require a user of a road, trail, land, or other facility administered by the DLM, or authorized by a DLM issued land use authorization, to:
 - (i) maintain facilities in a satisfactory condition commensurate with the particular use requirements of each; or
 - (ii) reconstruct the facility when the reconstruction is determined necessary to accommodate use.
 - (b) If maintenance or reconstruction cannot be provided, or if the director determines that maintenance or reconstruction by a user would not be practical, the director may require that sufficient funds be deposited by the user to provide the user's portion of the total maintenance or reconstruction.
- (2) Whenever the director obtains money for use on, or in connection with, a new or existing road or the right to use such roads, the money shall be placed in the Public Land Management Fund created in Section 63L-8-308.

Enacted by Chapter 317, 2016 General Session

63L-8-506 Right-of-way corridors -- Criteria and procedures applicable for designation.

- (1) Utilization of a right-of-way in common is suggested to the extent practical in order to minimize adverse environmental impacts and the proliferation of separate rights-of-way.
- (2) In designating a right-of-way corridor, the director shall take into consideration:
 - (a) national, state, and local land use policies;
 - (b) environmental quality;
 - (c) economic efficiency;
 - (d) national security;
 - (e) safety;
 - (f) good engineering and technological practices; and
 - (g) wildlife and wildlife habitat impacts.
- (3) The director shall issue rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, containing the criteria and procedures the DLM shall use in designating such a corridor.
- (4) An existing transportation or utility corridor may be designated as a transportation or utility corridor without further review.

Enacted by Chapter 317, 2016 General Session

63L-8-507 General requirements.

- (1)

- (a) Each land use authorization granted, issued, or renewed shall be limited to a reasonable term in light of all circumstances concerning the project, not exceeding 5 years.
- (b) In determining the duration of a land use authorization, the director shall:
 - (i) take into consideration the cost of the facility, the facility's useful life, and any public purpose the facility serves; and
 - (ii) specify whether the land use authorization is or is not renewable and the terms and conditions applicable to the renewal.
- (2) A land use authorization shall be granted, issued, or renewed:
 - (a) pursuant to this chapter;
 - (b) consistent with rules issued by the DLM in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (c) subject to such terms and conditions as the director prescribes regarding extent, duration, survey, location, construction, maintenance, transfer or assignment, and termination.
- (3) Before granting or issuing a land use authorization pursuant to this part for a new project that may have a significant impact on the environment, the director shall require the applicant to submit a plan of construction, operation, mitigation, and rehabilitation for the land use authorization.
- (4) The director shall issue rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with respect to the terms and conditions that will be included in a land use authorization.
- (5) The director shall provide for cost-sharing agreements for the construction and maintenance of land use authorization facilities, pursuant to rules for such arrangements issued by the DLM.
- (6) Money received for reimbursement of reasonable costs shall be:
 - (a) deposited into the Public Land Management Fund created in Section 63L-8-308; and
 - (b) authorized to be appropriated and made available until expended.
- (7)
 - (a) The director shall promulgate rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying the extent to which a holder of a right-of-way may be liable to the state for damage or injury incurred by the state caused by the use and occupancy of the land use authorization.
 - (b) The rules described in Subsection (7)(a) shall also specify the extent to which a holder of a right-of-way shall indemnify or hold harmless the state for liabilities, damages, or claims caused by the use and occupancy of the right-of-way.
- (8) The director may require a holder of a land use authorization to furnish a bond or other security to secure all or any of the obligations imposed by the terms and conditions of the right-of-way.
- (9) The director may grant, issue, or renew a land use authorization under this part if the director is satisfied that the applicant has the technical and financial capability to construct the project for which the right-of-way is requested.

Enacted by Chapter 317, 2016 General Session

63L-8-508 Terms and conditions.

Each land use authorization shall contain terms and conditions that:

- (1) carry out the purposes of this chapter and rules issued under this chapter in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (2) minimize damage to scenic and esthetic values, fish and wildlife habitat, and otherwise protect the environment;

- (3) require compliance with applicable air and water quality standards established by applicable federal or state law;
- (4) require compliance with state standards for public health and safety, environmental protection, siting, construction, operation, and maintenance of or for rights-of-way for similar purposes if those standards are more stringent than applicable federal standards; and
- (5) are necessary to:
 - (a) protect state property and economic interests;
 - (b) efficiently manage the land that is subject to the land use authorization; and
 - (c) protect the other lawful users of the lands adjacent to or traversed by the land that is subject to the land use authorization.

Enacted by Chapter 317, 2016 General Session

63L-8-509 Suspension or termination -- Grounds -- Procedures applicable.

- (1) The following are grounds for suspension or termination of a land use authorization:
 - (a) abandonment; or
 - (b) noncompliance with:
 - (i) a provision of this chapter;
 - (ii) an applicable rule established by the DLM in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 - (iii) a term or condition of the land use authorization.
- (2) The director may terminate or suspend a land use authorization by providing notice to the land use authorization holder and, if required, an administrative proceeding, upon finding that:
 - (a) a condition described in Subsection (1) has been met; and
 - (b) the suspension or termination serves the best interest of:
 - (i) the citizens of the state; or
 - (ii) a land use plan established pursuant to Section 63L-8-202.
- (3) The administrative proceeding described in Subsection (2):
 - (a) shall be conducted according to rules established by the DLM, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (b) shall comply with Title 63G, Chapter 4, Administrative Procedures Act; and
 - (c) is not required if the land use authorization, by its terms, terminates on the occurrence of a fixed or agreed-upon condition, event, or time.
- (4) If the director determines that an immediate temporary suspension of activities within a land use authorization for violation of its terms and conditions is necessary to protect public health or safety or the environment, the director may abate the activities before an administrative proceeding.
- (5) Before commencing a proceeding to suspend or terminate a land use authorization, the director shall give written notice to the holder of the grounds for suspension or termination.
- (6)
 - (a) Except as provided in Subsection (6)(b), failure of the land use authorization holder to use the right-of-way for the purpose for which it was granted, issued, or renewed, for any continuous five-year period, shall constitute a rebuttable presumption of abandonment of the right-of-way.
 - (b) Where the failure of the holder to use the land use authorization for the purpose for which it was granted, issued, or renewed for any continuous five-year period is due to circumstances beyond the holder's control, the director is not required to commence proceedings to suspend or terminate the right-of-way.

Enacted by Chapter 317, 2016 General Session

63L-8-510 Rights-of-way for state departments and agencies.

The director may issue a land use authorization upon or under public land to a department or agency of the state, subject to such terms and conditions as the director imposes.

Enacted by Chapter 317, 2016 General Session

63L-8-511 Applicability.

- (1) No land use authorization shall be granted, issued, or renewed over, upon, under, or through public land, except as described in this part.
- (2) Nothing in this part shall be construed to preclude the use of public land covered by this section for a highway purpose.

Enacted by Chapter 317, 2016 General Session

Part 6 Contingent Effective Date

63L-8-601 Title.

This part is known as "Contingent Effective Date."

Enacted by Chapter 317, 2016 General Session

63L-8-602 Effective date.

This chapter becomes effective upon the day the state receives title to at least 250,000 acres of public land from the federal government pursuant to Section 63L-6-103.

Amended by Chapter 451, 2017 General Session

Chapter 9 Department of Land Management

63L-9-101 Title.

This chapter is known as the " Department of Land Management."

Renumbered and Amended by Chapter 451, 2017 General Session

63L-9-102 Creation of the Department of Land Management.

- (1) There is created a Department of Land Management.
- (2) The department shall be staffed:
 - (a) upon the state receiving title to at least 250,000 acres of public land from the federal government pursuant to Section 63L-6-103; and
 - (b) as funding appropriated by the Legislature allows.

- (3) The department may sue and be sued as required to carry out the purposes of this chapter and Title 63L, Chapter 8, Utah Public Land Management Act.

Renumbered and Amended by Chapter 451, 2017 General Session

63L-9-103 Director.

- (1) Upon the requirements described in Subsection 63L-9-102(2) being fulfilled, the governor shall, with the advice and consent of the Senate, appoint a director of the Department of Land Management.
- (2) The director shall:
- (a) be the executive and administrative head of the Department of Land Management;
 - (b) have demonstrated ability and experience in the administration and management of state or federal lands;
 - (c) not hold any other public office or be involved in a political party or organization; and
 - (d) hire personnel to staff the department.
- (3) The director shall have:
- (a) executive authority and control of the Department of Land Management; and
 - (b) authority over all personnel matters.

Amended by Chapter 352, 2020 General Session

63L-9-104 Public Land Management Advisory Board.

- (1) There is created the Public Land Management Advisory Board.
- (2) The board consists of the following 11 members:
- (a) the lieutenant governor, or the lieutenant governor's designee;
 - (b) one representative, appointed by the governor, who represents the interests of oil, gas, and mining;
 - (c) one representative, appointed by the governor, who represents the interests of agriculture;
 - (d) one representative, appointed by the governor, who represents the interests of outdoor recreation;
 - (e) one representative, appointed by the governor, who represents the interests of environmental groups;
 - (f) three representatives, appointed by the governor, who represent the interests of county commissioners;
 - (g) one representative, appointed by the governor, who represents the interests of rural transportation;
 - (h) one representative, appointed by the governor, who represents the interests of wildlife management; and
 - (i) one representative, appointed by the governor, who represents the interests of forest management.
- (3)
- (a) Members shall be appointed for a term of four years.
 - (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms of the members described in Subsections (2)(b) through (i) to ensure that the terms of board members are staggered so that half of the appointed board is appointed every two years.
- (4) A member may serve more than one term.

- (5) A member shall hold office until the expiration of the member's term and until the member's successor is appointed, but not more than 90 days after the expiration of the member's term.
- (6) When a vacancy occurs in the membership for any reason, a replacement shall be appointed for the unexpired term.
- (7) The board shall elect annually a chair and a vice chair from the board's members.
- (8)
 - (a) The board shall meet at least quarterly.
 - (b) Special meetings may be called by the chair upon the chair's own initiative, upon the request of the director, or upon the request of three members of the board.
 - (c) Three days' notice shall be given to each member of the board before a meeting.
- (9) Six members constitute a quorum at a meeting, and the action of a majority of members present is the action of the board.
- (10) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Renumbered and Amended by Chapter 451, 2017 General Session

63L-9-105 Department of Land Management duties.

The department shall manage and administer all public land, as defined in Section 63L-8-102, consistent with the procedures, policies, and directives in Title 63L, Chapter 8, Utah Public Land Management Act.

Renumbered and Amended by Chapter 451, 2017 General Session

Chapter 10

Statewide Resource Management Plan

63L-10-101 Title.

This chapter is known as "Statewide Resource Management Plan."

Enacted by Chapter 411, 2018 General Session

63L-10-102 Definitions.

As used in this chapter:

- (1) "Commission" means the Federalism Commission.
- (2) "Office" means the Public Lands Policy Coordinating Office established in Section 63L-11-201.
- (3) "Plan" means the statewide resource management plan, created pursuant to Section 63L-11-203 and adopted in Section 63L-10-103.
- (4) "Public lands" means:
 - (a) land other than a national park that is managed by the United States Parks Service;
 - (b) land that is managed by the United States Forest Service; and
 - (c) land that is managed by the Bureau of Land Management.

Amended by Chapter 382, 2021 General Session

63L-10-103 Statewide resource management plan adopted.

- (1)
 - (a) The statewide resource management plan, dated May 7, 2025, and on file with the office, is adopted.
 - (b) The plan described in Subsection (1)(a) replaces and supersedes the plan dated January 8, 2024.
- (2) The office shall, to the extent possible and as funding allows, monitor federal, state, and local government compliance with the plan.
- (3)
 - (a) If the office finds the need to modify the plan, the office shall notify the commission of the modification and the office's reasoning for the modification.
 - (b) The office shall coordinate with the commission to discuss policy direction and to draft any modifications to the plan.
- (4)
 - (a) The commission may request additional information of the office regarding any modifications to the plan, as described in Subsection (3).
 - (b) The office shall promptly respond to any request for additional information, as described in Subsection (4)(a).
 - (c) The commission may make a recommendation that the Legislature approve a modification or disapprove a modification, or the commission may decline to take action.
- (5) The office shall annually:
 - (a) prepare a report detailing any modifications the office recommends for the plan and deliver the report to the commission before August 31; and
 - (b) report on the implementation of the plan at the federal, state, and local levels to the commission before August 31.
- (6)
 - (a) If the commission makes a recommendation that the Legislature approve a modification to the plan, the commission shall prepare a bill in anticipation of the annual general session of the Legislature for approval of the modification.
 - (b) A modification to the plan does not take effect until approved by the Legislature.

Amended by Chapter 115, 2025 General Session

63L-10-104 Policy statement.

- (1) Except as provided in Subsection (2), state agencies and political subdivisions shall refer to and substantially conform with the statewide resource management plan when making plans for public lands or other public resources in the state.
- (2)
 - (a) The office shall, as funding allows, maintain a record of all state agency and political subdivision resource management plans and relevant documentation.
 - (b) On an ongoing basis, state agencies and political subdivisions shall keep the office informed of any substantive modifications to their resource management plans.
 - (c) On or before August 31 of each year, the office shall provide a report to the commission that includes the following:
 - (i) any modifications to the state agency or political subdivision resource management plans that are inconsistent with the statewide resource management plan;

- (ii) a recommendation as to how an inconsistency identified under Subsection (2)(c)(i), if any, should be addressed; and
- (iii) a recommendation:
 - (A) as to whether the statewide resource management plan should be modified to address any inconsistency identified under Subsection (2)(c)(i); or
 - (B) on any other modification to the statewide resource management plan the office determines is necessary.
- (3)
 - (a) Subject to Subsection (3)(b), nothing in this section preempts the authority granted to a political subdivision under:
 - (i) Title 10, Chapter 8, Powers and Duties of Municipalities, or Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
 - (ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.
 - (b) Federal regulations state that, when state and local government policies, plans, and programs conflict, those of higher authority will normally be followed.

Amended by Chapter 246, 2019 General Session

Chapter 11

Public Lands Planning

Part 1

General Provisions

63L-11-101 Title.

This chapter is known as "Public Lands Planning."

Enacted by Chapter 382, 2021 General Session

63L-11-102 Definitions.

As used in this chapter:

- (1) "Advisor" means the advisor of the office appointed under Section 63L-11-201.
- (2) "Coordinating committee" means the committee created in Section 63L-11-401.
- (3) "Executive director" means the executive director of the Department of Natural Resources appointed under Section 79-2-202.
- (4) "Office" means the Public Lands Policy Coordinating Office created in Section 63L-11-201.
- (5) "Political subdivision" means:
 - (a) a county, municipality, special district, special service district, school district, or interlocal entity, as defined in Section 11-13-103; or
 - (b) an administrative subunit of an entity listed in Subsection (5)(a).

Amended by Chapter 140, 2025 General Session

63L-11-103 Interrelationship with other law.

- (1) Notwithstanding any provision of Section 63J-8-105.5, the state is committed to establishing and administering an effective statewide conservation strategy for greater sage grouse.

- (2) Nothing in this chapter may be construed to restrict or supersede the planning powers conferred upon departments, agencies, instrumentalities, or advisory councils of the state or the planning powers conferred upon political subdivisions by any other existing law.
- (3) Nothing in this chapter may be construed to affect any lands withdrawn from the public domain for military purposes to be administered by the United States Army, Air Force, or Navy.

Enacted by Chapter 382, 2021 General Session

Part 2

Public Lands Policy Coordinating Office

63L-11-201 Public Lands Policy Coordinating Office -- Advisor on public lands -- Appointment -- Qualifications -- Compensation.

- (1)
 - (a) There is created the Public Lands Policy Coordinating Office within the Department of Natural Resources.
 - (b) The advisor on public lands is the executive and administrative head of the Public Lands Policy Coordinating Office.
- (2)
 - (a) The governor shall appoint the advisor with the advice and consent of the Senate.
 - (b) The advisor shall:
 - (i) serve at the pleasure of the governor; and
 - (ii) report to the executive director on matters concerning the office as the executive director may require.
- (3) The advisor shall have demonstrated the necessary administrative and professional ability through education and experience to efficiently and effectively manage the office's affairs.
- (4)
 - (a) The advisor and employees of the office shall receive compensation as provided in Title 63A, Chapter 17, Utah State Personnel Management Act.
 - (b) The office space for the advisor and employees of the office shall be in a building where the Department of Natural Resources is located.

Amended by Chapter 140, 2025 General Session

63L-11-202 Powers and duties of the office and advisor on public lands.

- (1) The office shall:
 - (a) make a report to the Constitutional Defense Council created under Section 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter 4a, Constitutional and Federalism Defense Act;
 - (b) provide staff assistance to the Constitutional Defense Council created under Section 63C-4a-202 for meetings of the council;
 - (c) for a R.S. 2477 plan approved under Section 63C-4a-403:
 - (i) present the plan, with any updates to the plan, to the Natural Resources, Agriculture, and Environment Interim Committee on or before July 1 of each calendar year; and
 - (ii) provide a hard copy or electronic copy of the plan, with any updates to the plan, to:

- (A) the Natural Resources, Agriculture, and Environment Interim Committee no later than seven days before the day of the presentation described in Subsection (1)(c)(i);
 - (B) the Federalism Commission created in Section 63C-4a-302; and
 - (C) the president of the Senate and the speaker of the House of Representatives;
 - (d) develop public lands policies by:
 - (i) developing cooperative contracts and agreements between the state, political subdivisions, and agencies of the federal government for involvement in the development of public lands policies;
 - (ii) producing research, documents, maps, studies, analysis, or other information that supports the state's participation in the development of public lands policy;
 - (iii) preparing comments to ensure that the positions of the state and political subdivisions are considered in the development of public lands policy; and
 - (iv) partnering with state agencies and political subdivisions in an effort to:
 - (A) prepare coordinated public lands policies;
 - (B) develop consistency reviews and responses to public lands policies;
 - (C) develop management plans that relate to public lands policies; and
 - (D) develop and maintain a statewide land use plan that is based on cooperation and in conjunction with political subdivisions;
 - (e) facilitate and coordinate the exchange of information, comments, and recommendations on public lands policies between and among:
 - (i) state agencies;
 - (ii) political subdivisions;
 - (iii) the Center of Rural Development created under Section 63N-4-102;
 - (iv) the coordinating committee;
 - (v) School and Institutional Trust Lands Administration created under Section 53C-1-201; and
 - (vi) the Constitutional Defense Council created under Section 63C-4a-202;
 - (f) perform the duties established in Title 9, Chapter 8a, Part 3, Antiquities, and Title 9, Chapter 8a, Part 4, Historic Sites;
 - (g) consistent with other statutory duties, encourage agencies to responsibly preserve archaeological resources;
 - (h) maintain information concerning grants made under Subsection (1)(j), if available;
 - (i) report annually, or more often if necessary or requested, concerning the office's activities and expenditures to:
 - (i) the Constitutional Defense Council created under Section 63C-4a-202; and
 - (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly with the Constitutional Defense Council;
 - (j) make grants of up to 16% of the office's total annual appropriations from the Constitutional Defense Restricted Account to a county or statewide association of counties to be used by the county or association of counties for public lands matters if the advisor, with the advice of the Constitutional Defense Council, determines that the action provides a state benefit;
 - (k) conduct the public lands transfer study and economic analysis required by Section 63L-11-304;
 - (l) fulfill the duties described in Section 63L-10-103; and
 - (m) perform the duties described in Section 63L-11-205.
- (2) The advisor shall comply with Subsection 63C-4a-203(8) before submitting a comment to a federal agency, if the governor would be subject to Subsection 63C-4a-203(8) in submitting the comment.

- (3) The office may enter into an agreement with another state agency to provide information and services related to:
 - (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;
 - (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification Act, or R.S. 2477 matters; or
 - (c) any other matter within the office's responsibility.
- (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:
 - (a) the Department of Natural Resources;
 - (b) the Department of Agriculture and Food;
 - (c) the Department of Environmental Quality;
 - (d) other applicable state agencies;
 - (e) political subdivisions of the state;
 - (f) federal land management agencies; and
 - (g) elected officials.

Amended by Chapter 131, 2025 General Session

Amended by Chapter 140, 2025 General Session

63L-11-203 Resource management plan administration.

- (1) The office shall consult with the Federalism Commission before expending funds appropriated by the Legislature for the implementation of this section.
- (2) To the extent that the Legislature appropriates sufficient funding, the office may procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to assist the office with the office's responsibilities described in Subsection (3).
- (3) The office shall:
 - (a) assist each county with the creation of the county's resource management plan by:
 - (i) consulting with the county on policy and legal issues related to the county's resource management plan; and
 - (ii) helping the county ensure that the county's resource management plan meets the requirements of Subsection 17-27a-401(3);
 - (b) promote quality standards among all counties' resource management plans; and
 - (c) upon submission by a county, review and verify the county's:
 - (i) estimated cost for creating a resource management plan; and
 - (ii) actual cost for creating a resource management plan.
- (4)
 - (a) A county shall cooperate with the office, or an entity procured by the office under Subsection (2), with regards to the office's responsibilities under Subsection (3).
 - (b) To the extent that the Legislature appropriates sufficient funding, the office may, in accordance with Subsection (4)(c), provide funding to a county before the county completes a resource management plan.
 - (c) The office may provide pre-completion funding described in Subsection (4)(b):
 - (i) after:
 - (A) the county submits an estimated cost for completing the resource management plan to the office; and
 - (B) the office reviews and verifies the estimated cost in accordance with Subsection (3)(c)(i); and
 - (ii) in an amount up to:

- (A) 50% of the estimated cost of completing the resource management plan, verified by the office; or
- (B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.
- (d) To the extent that the Legislature appropriates sufficient funding, the office shall provide funding to a county in the amount described in Subsection (4)(e) after:
 - (i) a county's resource management plan:
 - (A) meets the requirements described in Subsection 17-27a-401(3); and
 - (B) is adopted under Subsection 17-27a-404(5)(d);
 - (ii) the county submits the actual cost of completing the resource management plan to the office; and
 - (iii) the office reviews and verifies the actual cost in accordance with Subsection (3)(c)(ii).
- (e) The office shall provide funding to a county under Subsection (4)(d) in an amount equal to the difference between:
 - (i) the lesser of:
 - (A) the actual cost of completing the resource management plan, verified by the office; or
 - (B) \$50,000; and
 - (ii) the amount of any pre-completion funding that the county received under Subsections (4)(b) and (c).
- (5) To the extent that the Legislature appropriates sufficient funding, after the deadline established in Subsection 17-27a-404(5)(d) for a county to adopt a resource management plan, the office shall:
 - (a) obtain a copy of each county's resource management plan;
 - (b) create a statewide resource management plan that:
 - (i) meets the same requirements described in Subsection 17-27a-401(3); and
 - (ii) to the extent reasonably possible, coordinates and is consistent with any resource management plan or land use plan established under Title 63J, Chapter 8, State of Utah Resource Management Plan for Federal Lands; and
 - (c) submit a copy of the statewide resource management plan to the Federalism Commission for review.
- (6) Following review of the statewide resource management plan, the Federalism Commission shall prepare a concurrent resolution approving the statewide resource management plan for consideration during the 2018 General Session.
- (7) To the extent that the Legislature appropriates sufficient funding, the office shall provide legal support to a county that becomes involved in litigation with the federal government over the requirements of Subsection 17-27a-405(3).
- (8) After the statewide resource management plan is approved, as described in Subsection (6), and to the extent that the Legislature appropriates sufficient funding, the office shall monitor the implementation of the statewide resource management plan at the federal, state, and local levels.

Amended by Chapter 274, 2022 General Session

63L-11-205 Identification and recording of public roads located on state-owned public lands.

- (1) As used in this section, "state land" means land owned by:
 - (a) the Department of Natural Resources;
 - (b) the Division of Forestry, Fire, and State Lands;
 - (c) the Division of State Parks; and

- (d) any other state land management agency.
- (2)
 - (a) In coordination with the relevant owner, the advisor shall:
 - (i) subject to Subsection (3), using the State Geographic Information Database created in Section 63A-16-506, and other available information, identify roads located on state land; and
 - (ii) subject to Subsection (2)(b), record with the county recorder of the county in which the state land is located a document as described in Subsection (5) that gives notice of the existence of the public road or right-of-way.
 - (b) The advisor may not record a notice described in Subsection (2)(a)(ii) for a road on state land that is owned by the Division of Wildlife Resources until the land is sold or exchanged as described in Subsection (6).
- (3)
 - (a) Subject to Subsection (3)(b), the advisor may complete the requirements of Subsection (2) over time and as resources allow.
 - (b) For Carbon County, Garfield County, Grand County, Kane County, San Juan County, Uintah County, and Wayne County, the advisor shall complete the requirements described in Subsection (2) on or before January 5, 2026.
- (4) The advisor is not required to identify or record notice of any class A, class B, or class C roads, as those terms are defined in Title 72, Chapter 3, Part 1, Highways in General.
- (5) The notice required in Subsection (2)(a)(ii) shall include:
 - (a) a title identifying the roads as "Public Access"; and
 - (b) a legal description, as described in Subsection 57-3-105(4), of the relevant roads or rights-of-way sufficient for reasonable identification of the road.
- (6)
 - (a) If a parcel of state land is subject to a sale or an exchange, the advisor shall ensure that the requirements of Subsection (2) are completed before the sale or exchange is finalized.
 - (b) The sale or exchange of state land is subject to the public access rights existing at the time of the sale or exchange.
- (7)
 - (a) The Division of Wildlife Resources shall identify roads within a wildlife management area in the respective property's habitat management plan, as required in Section 23A-6-302.
 - (b) For any road identified under Subsection (7)(a), the Division of Wildlife Resources may:
 - (i) temporarily close a road for the benefit of wildlife; and
 - (ii) permanently close roads for the benefit of wildlife only:
 - (A) through the habitat management plan review and approval process in Section 23A-6-303; and
 - (B) beginning on May 7, 2025, with consent of the county legislative body within which the road is located.
 - (c) Notwithstanding Subsection (7)(b), the Division of Wildlife Resources may close a road for the benefit of wildlife if:
 - (i) there is an alternative road that will remain open that provides reasonable access to the same area;
 - (ii) the road to be closed forks from the alternative road that will remain open;
 - (iii) the road to be closed is less traveled than the alternative road that will remain open;
 - (iv) the road to be closed travels in approximately the same direction as the alternative road that will remain open; and

- (v) the road to be closed intersects with the alternative road that will remain open within 2,000 feet of the location where the road to be closed forks from the road that will remain open.
- (d)
 - (i) The Division of Wildlife Resources shall record with the county in which the wildlife management area property is located, any road on or across the wildlife management area prior to any sale or exchange of any wildlife management area property.
 - (ii) The sale or exchange of Division of Wildlife Resources land is subject to the public access rights existing at the time of the sale or exchange.

Enacted by Chapter 131, 2025 General Session

Part 3

Office Duties Related to Federal Land

63L-11-301 Office duties relating to plans for the management of federal land.

- (1)
 - (a) In preparing or assisting in the preparation of plans, policies, programs, or processes related to the management or use of federal land or natural resources on federal land in the state, the office shall:
 - (i) incorporate the plans, policies, programs, processes, and desired outcomes of the counties where the federal lands or natural resources are located, to the maximum extent consistent with state and federal law, subject to Subsection (1)(b);
 - (ii) identify inconsistencies or conflicts between the plans, policies, programs, processes, and desired outcomes prepared under Subsection (1)(a)(i) and the plans, programs, processes, and desired outcomes of local government as early in the preparation process as possible, and seek resolution of the inconsistencies through meetings or other conflict resolution mechanisms involving the necessary and immediate parties to the inconsistency or conflict;
 - (iii) present to the governor the nature and scope of any inconsistency or other conflict that is not resolved under the procedures in Subsection (1)(a)(ii) for the governor's decision about the position of the state concerning the inconsistency or conflict;
 - (iv) develop, research, and use factual information, legal analysis, and statements of desired future condition for the state, or subregion of the state, as necessary to support the plans, policies, programs, processes, and desired outcomes of the state and the counties where the federal lands or natural resources are located;
 - (v) establish and coordinate agreements between the state and federal land management agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to facilitate state and local participation in the development, revision, and implementation of land use plans, guidelines, regulations, other instructional memoranda, or similar documents proposed or promulgated for lands and natural resources administered by federal agencies; and
 - (vi) work in conjunction with political subdivisions to establish agreements with federal land management agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to provide a process for state and local participation in the preparation of, or coordinated state and local response to, environmental impact analysis documents and similar documents prepared pursuant to law by state or federal agencies.

- (b) The requirement in Subsection (1)(a)(i) may not be interpreted to infringe upon the authority of the governor.
- (2) The office shall cooperate with and work in conjunction with appropriate state agencies and political subdivisions to develop policies, plans, programs, processes, and desired outcomes authorized by this section by coordinating the development of positions:
 - (a) through the coordinating committee;
 - (b) in conjunction with local government officials concerning general local government plans; and
 - (c) by soliciting public comment through the coordinating committee.

Amended by Chapter 274, 2022 General Session

63L-11-302 Principles to be recognized and promoted.

The office shall recognize and promote the following principles when preparing any policies, plans, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands under Section 63L-11-301:

- (1)
 - (a) the citizens of the state are best served by applying multiple-use and sustained-yield principles in public land use planning and management; and
 - (b) multiple-use and sustained-yield management means that federal agencies should develop and implement management plans and make other resource-use decisions that:
 - (i) achieve and maintain in perpetuity a high-level annual or regular periodic output of mineral and various renewable resources from public lands;
 - (ii) support valid existing transportation, mineral, and grazing privileges at the highest reasonably sustainable levels;
 - (iii) support the specific plans, programs, processes, and policies of state agencies and local governments;
 - (iv) are designed to produce and provide the desired vegetation for the watersheds, timber, food, fiber, livestock forage, wildlife forage, and minerals that are necessary to meet present needs and future economic growth and community expansion without permanent impairment of the productivity of the land;
 - (v) meet the recreational needs and the personal and business-related transportation needs of the citizens of the state by providing access throughout the state;
 - (vi) meet the recreational needs of the citizens of the state;
 - (vii) meet the needs of wildlife;
 - (viii) provide for the preservation of cultural resources, both historical and archaeological;
 - (ix) meet the needs of economic development;
 - (x) meet the needs of community development; and
 - (xi) provide for the protection of water rights;
- (2) managing public lands for wilderness characteristics circumvents the statutory wilderness process and is inconsistent with the multiple-use and sustained-yield management standard that applies to all Bureau of Land Management and United States. Forest Service lands that are not wilderness areas or wilderness study areas;
- (3) all waters of the state are:
 - (a) owned exclusively by the state in trust for the state's citizens;
 - (b) are subject to appropriation for beneficial use; and
 - (c) are essential to the future prosperity of the state and the quality of life within the state;
- (4) the state has the right to develop and use the state's entitlement to interstate rivers;

- (5) all water rights desired by the federal government must be obtained through the state water appropriation system;
- (6) land management and resource-use decisions which affect federal lands should give priority to and support the purposes of the compact between the state and the United States related to school and institutional trust lands;
- (7) development of the solid, fluid, and gaseous mineral resources of the state is an important part of the economy of the state, and of local regions within the state;
- (8) the state should foster and support industries that take advantage of the state's outstanding opportunities for outdoor recreation;
- (9) wildlife constitutes an important resource and provides recreational and economic opportunities for the state's citizens;
- (10) proper stewardship of the land and natural resources is necessary to ensure the health of the watersheds, timber, forage, and wildlife resources to provide for a continuous supply of resources for the people of the state and the people of the local communities who depend on these resources for a sustainable economy;
- (11) forests, rangelands, timber, and other vegetative resources:
 - (a) provide forage for livestock;
 - (b) provide forage and habitat for wildlife;
 - (c) provide resources for the state's timber and logging industries;
 - (d) contribute to the state's economic stability and growth; and
 - (e) are important for a wide variety of recreational pursuits;
- (12) management programs and initiatives that improve watersheds and forests and increase forage for the mutual benefit of wildlife species and livestock, logging, and other agricultural industries by utilizing proven techniques and tools are vital to the state's economy and the quality of life in the state;
- (13)
 - (a) land management plans, programs, and initiatives should provide that the amount of domestic livestock forage, expressed in animal unit months, for permitted, active use as well as the wildlife forage included in that amount, be no less than the maximum number of animal unit months sustainable by range conditions in grazing allotments and districts, based on an on-the-ground and scientific analysis;
 - (b) the state opposes the relinquishment or retirement of grazing animal unit months in favor of conservation, wildlife, and other uses;
 - (c) the state supports the multiple-use, sustained-yield framework required by federal law for management of public lands and opposes federal prioritization of conservation as a use equal to other productive uses of public lands;
 - (d)
 - (i) the state favors the best management practices that are jointly sponsored by cattlemen, sportsmen, and wildlife management groups such as chaining, logging, seeding, burning, and other direct soil and vegetation prescriptions that are demonstrated to restore forest and rangeland health, increase forage, and improve watersheds in grazing districts and allotments for the benefit of domestic livestock and wildlife;
 - (ii) when practices described in Subsection (13)(d)(i) increase a grazing allotment's forage beyond the total permitted forage use that was allocated to that allotment in the last federal land use plan or allotment management plan still in existence as of January 1, 2005, a reasonable and fair portion of the increase in forage beyond the previously allocated total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced

- committee of livestock and wildlife representatives that is appointed and constituted by the governor for that purpose; and
- (iii) the state favors quickly and effectively adjusting wildlife population goals and population census numbers in response to variations in the amount of available forage caused by drought or other climatic adjustments, and state agencies responsible for managing wildlife population goals and population census numbers will, when making those adjustments, give due regard to both the needs of the livestock industry and the need to prevent the decline of species to a point of listing under the terms of the Endangered Species Act;
 - (e) the state opposes the transfer of grazing animal unit months to wildlife for supposed reasons of rangeland health;
 - (f) reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions;
 - (g) policies, plans, programs, initiatives, resource management plans, and forest plans may not allow the placement of grazing animal unit months in a suspended use category unless there is a rational and scientific determination that the condition of the rangeland allotment or district in question will not sustain the animal unit months sought to be placed in suspended use;
 - (h) any grazing animal unit months that are placed in a suspended use category should be returned to active use when range conditions improve;
 - (i) policies, plans, programs, and initiatives related to vegetation management should recognize and uphold the preference for domestic grazing over alternate forage uses in established grazing districts while upholding management practices that optimize and expand forage for grazing and wildlife in conjunction with state wildlife management plans and programs in order to provide maximum available forage for all uses; and
 - (j) in established grazing districts, animal unit months that have been reduced due to rangeland health concerns should be restored to livestock when rangeland conditions improve, and should not be converted to wildlife use; and
- (14) a grazing allotment on federal public lands is a valid existing right for purposes of federal land withdrawals when the owner of the grazing allotment meets the requirements described in Section 63L-8-404.

Amended by Chapter 84, 2024 General Session

Amended by Chapter 184, 2024 General Session

63L-11-303 Findings to be recognized and promoted.

The office shall recognize and promote the following findings in the preparation of any policies, plans, programs, processes, or desired outcomes under Section 63L-11-301 relating to federal lands and natural resources on federal lands:

- (1) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports the state's recognition by the federal government and the public use of R.S. 2477 rights-of-way and urges the federal government to fully recognize the rights-of-way and their use by the public as expeditiously as possible;
- (2) it is the policy of the state to use reasonable administrative and legal measures to protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way are not recognized or are impaired;
- (3) transportation and access routes to and across federal lands, including all rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life in the state, and must

provide, at a minimum, a network of roads throughout the resource planning area that provides for:

- (a) movement of people, goods, and services across public lands;
 - (b) reasonable access to a broad range of resources and opportunities throughout the resource planning area, including:
 - (i) livestock operations and improvements;
 - (ii) solid, fluid, and gaseous mineral operations;
 - (iii) recreational opportunities and operations, including motorized and nonmotorized recreation;
 - (iv) search and rescue needs;
 - (v) public safety needs; and
 - (vi) access for transportation of wood products to market;
 - (c) access to federal lands for people with disabilities and the elderly; and
 - (d) access to state lands and school and institutional trust lands to accomplish the purposes of those lands;
- (4) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:
- (a) it is clearly demonstrated that water is present and flowing at all times;
 - (b) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed;
 - (c) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county or counties where the river segment is located as those plans and policies are developed according to Subsection (3);
 - (d) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
 - (e) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;
 - (f) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed;
 - (g) it is clearly demonstrated that the federal agency that has management authority over the river segment and that is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;
 - (h) it is clearly demonstrated that the federal land and resource management plan containing a recommendation for inclusion in the National Wild and Scenic River System:
 - (i) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;
 - (ii) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;
 - (iii) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and

- (iv) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment;
- (i) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or II management prescriptions that do not comply with the provisions of Subsection (24); and
- (j) it is clearly demonstrated that including the river segment and the terms and conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:
 - (i) the enjoyment of the state and the state's citizens of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or
 - (ii) local, state, regional, or interstate water compacts to which the state or any county is a party;
- (5) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress;
- (6) the state's support for designation of an Area of Critical Environmental Concern (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be withheld until:
 - (a) it is clearly demonstrated that the proposed area satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1702(a);
 - (b) it is clearly demonstrated that:
 - (i) the area proposed for designation as an ACEC is limited in geographic size; and
 - (ii) the proposed management prescriptions are limited in scope to the minimum necessary to specifically protect and prevent irreparable damage to the relevant and important values identified, or limited in geographic size and management prescriptions to the minimum required to specifically protect human life or safety from natural hazards;
 - (c) it is clearly demonstrated that the proposed area is limited only to areas that are already developed or used or to areas where no development is required;
 - (d) it is clearly demonstrated that the proposed area contains relevant and important historic, cultural or scenic values, fish or wildlife resources, or natural processes which are unique or substantially significant on a regional basis, or contain natural hazards which significantly threaten human life or safety;
 - (e) the federal agency has analyzed regional values, resources, processes, or hazards for irreparable damage and potential causes of the damage resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and the analysis describes the rationale for any special management attention required to protect, or prevent irreparable damage to, the values, resources, processes, or hazards;
 - (f) it is clearly demonstrated that the proposed designation is consistent with the plans and policies of the state and of the county where the proposed designation is located as those plans and policies are developed according to Subsection (3);
 - (g) it is clearly demonstrated that the proposed ACEC designation will not be applied redundantly over existing protections provided by other state and federal laws for federal lands or resources on federal lands, and that the federal statutory requirement for special management attention for a proposed ACEC will discuss and justify any management requirements needed in addition to those specified by the other state and federal laws;

- (h) the difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and any determination of irreparable damage has been analyzed and justified for short-term and long-term horizons;
- (i) it is clearly demonstrated that the proposed designation:
 - (i) is not a substitute for a wilderness suitability recommendation;
 - (ii) is not a substitute for managing areas inventoried for wilderness characteristics after 1993 under the Bureau of Land Management interim management plan for valid wilderness study areas; and
 - (iii) it is not an excuse or justification to apply de facto wilderness management standards; and
- (j) the conclusions of all studies are submitted to the state, as a cooperating agency, for review, and the results, in support of or in opposition to, are included in all planning documents;
- (7) sufficient federal lands are made available for government-to-government exchanges of school and institutional trust lands and federal lands without regard for a resource-to-resource correspondence between the surface or mineral characteristics of the offered trust lands and the offered federal lands;
- (8) federal agencies should support government-to-government exchanges of land with the state based on a fair process of valuation which meets the fiduciary obligations of both the state and federal governments toward trust lands management, and which assures that revenue authorized by federal statute to the state from mineral or timber production, present or future, is not diminished in any manner during valuation, negotiation, or implementation processes;
- (9) agricultural and grazing lands should continue to produce the food and fiber needed by the citizens of the state and the nation, and the rural character and open landscape of rural Utah should be preserved through a healthy and active agricultural and grazing industry, consistent with private property rights and state fiduciary duties;
- (10)
 - (a) the resources of the forests and rangelands of the state should be integrated as part of viable, robust, and sustainable state and local economies;
 - (b) available forage should be evaluated for the full complement of herbivores the rangelands can support in a sustainable manner;
 - (c) forests should contain a diversity of timber species; and
 - (d) disease or insect infestations in forests should be controlled using logging or other best management practices;
- (11) the state opposes any additional evaluation of national forest service lands as roadless or unroaded beyond the forest service's second roadless area review evaluation and opposes efforts by agencies to specially manage those areas in a way that:
 - (a) closes or declassifies existing roads unless multiple side-by-side roads exist running to the same destination and state and local governments consent to close or declassify the extra roads;
 - (b) permanently bars travel on existing roads;
 - (c) excludes or diminishes traditional multiple-use activities, including grazing and proper forest harvesting;
 - (d) interferes with the enjoyment and use of valid, existing rights, including water rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral leasing rights; or
 - (e) prohibits development of additional roads reasonably necessary to pursue traditional multiple-use activities;
- (12) the state's support for any forest plan revision or amendment will be withheld until the appropriate plan revision or plan amendment clearly demonstrates that:

- (a) established roads are not referred to as unclassified roads or a similar classification;
 - (b) lands in the vicinity of established roads are managed under the multiple-use, sustained-yield management standard; and
 - (c) no roadless or unroaded evaluations or inventories are recognized or upheld beyond those that were recognized or upheld in the forest service's second roadless area review evaluation;
- (13) the state's support for any recommendations made under the statutory requirement to examine the wilderness option during the revision of land and resource management plans by the United States Forest Service will be withheld until it is clearly demonstrated that:
- (a) the duly adopted transportation plans of the state and each county within the planning area are fully and completely incorporated into the baseline inventory of information from which plan provisions are derived;
 - (b) valid state or local roads and rights-of-way are recognized and not impaired in any way by the recommendations;
 - (c) the development of mineral resources by underground mining is not affected by the recommendations;
 - (d) the need for additional administrative or public roads necessary for the full use of the various multiple uses, including recreation, mineral exploration and development, forest health activities, and grazing operations, is not unduly affected by the recommendations;
 - (e) analysis and full disclosure are made concerning the balance of multiple-use management in the proposed areas, and that the analysis compares the full benefit of multiple-use management to the recreational, forest health, and economic needs of the state and the counties to the benefits of the requirements of wilderness management; and
 - (f) the conclusions of all studies related to the requirement to examine the wilderness option are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals that are forwarded to the United States Congress;
- (14) the invasion of noxious weeds and undesirable invasive plant species into the state should be reversed, their presence eliminated, and their return prevented;
- (15) management and resource-use decisions by federal land management and regulatory agencies concerning the vegetative resources within the state should reflect serious consideration of the proper optimization of the yield of water within the watersheds of the state;
- (16) it is the policy of the state that:
- (a) mineral and energy production and environmental protection are not mutually exclusive;
 - (b) it is technically feasible to permit appropriate access to mineral and energy resources while preserving nonmineral and nonenergy resources;
 - (c) resource management planning should seriously consider all available mineral and energy resources;
 - (d) the development of the solid, fluid, and gaseous mineral resources of the state and the renewable resources of the state should be encouraged;
 - (e) the waste of fluid and gaseous minerals within developed areas should be prohibited; and
 - (f) requirements to mitigate or reclaim mineral development projects should be based on credible evidence of significant impacts to natural or cultural resources;
- (17) the state's support for mineral development provisions within federal land management plans will be withheld until the appropriate land management plan environmental impact statement clearly demonstrates:
- (a) that the authorized planning agency has:
 - (i) considered and evaluated the mineral and energy potential in all areas of the planning area as if the areas were open to mineral development under standard lease agreements; and

- (ii) evaluated any management plan prescription for the plan's impact on the area's baseline mineral and energy potential;
- (b) that the development provisions do not unduly restrict access to public lands for energy exploration and development;
- (c) that the authorized planning agency has supported any closure of additional areas to mineral leasing and development or any increase of acres subject to no surface occupancy restrictions by adhering to:
 - (i) the relevant provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;
 - (ii) other controlling mineral development laws; and
 - (iii) the controlling withdrawal and reporting procedures set forth in the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;
- (d) that the authorized planning agency evaluated whether to repeal any moratorium that may exist on the issuance of additional mining patents and oil and gas leases;
- (e) that the authorized planning agency analyzed all proposed mineral lease stipulations and considered adopting the least restrictive necessary to protect against damage to other significant resource values;
- (f) that the authorized planning agency evaluated mineral lease restrictions to determine whether to waive, modify, or make exceptions to the restrictions on the basis that they are no longer necessary or effective;
- (g) that the authorized federal agency analyzed all areas proposed for no surface occupancy restrictions, and that the analysis evaluated:
 - (i) whether directional drilling is economically feasible and ecologically necessary for each proposed no surface occupancy area;
 - (ii) whether the directional drilling feasibility analysis, or analysis of other management prescriptions, demonstrates that the proposed no surface occupancy prescription, in effect, sterilizes the mineral and energy resources beneath the area; and
 - (iii) whether, if the minerals are effectively sterilized, the area must be reported as withdrawn under the provisions of the Federal Land Policy and Management Act; and
- (h) that the authorized planning agency has evaluated all directional drilling requirements in no surface occupancy areas to determine whether directional drilling is feasible from an economic, ecological, and engineering standpoint;
- (18) motorized, human-powered, and animal-powered outdoor recreation should be integrated into a fair and balanced allocation of resources within the historical and cultural framework of multiple uses in rural areas of the state, and outdoor recreation should be supported as part of a balanced plan of state and local economic support and growth;
- (19) off-highway vehicles should be used responsibly, the management of off-highway vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway vehicles should be uniformly applied across all jurisdictions;
- (20)
 - (a) rights-of-way granted and vested under the provisions of R.S. 2477 should be preserved and acknowledged; and
 - (b) land use management plans, programs, and initiatives should be consistent with both state and county transportation plans developed according to Subsection (3) in order to provide a network of roads throughout the planning area that provides for:
 - (i) movement of people, goods, and services across public lands;
 - (ii) reasonable access to a broad range of resources and opportunities throughout the planning area, including access to livestock, water, and minerals;

- (iii) economic and business needs;
 - (iv) public safety;
 - (v) search and rescue;
 - (vi) access for people with disabilities and the elderly;
 - (vii) access to state lands; and
 - (viii) recreational opportunities;
- (21) transportation and access provisions for all other existing routes, roads, and trails across federal, state, and school trust lands within the state should be determined and identified, and agreements should be executed and implemented, as necessary to fully authorize and determine responsibility for maintenance of all routes, roads, and trails;
- (22) the reasonable development of new routes and trails for motorized, human-powered, and animal-powered recreation should be implemented;
- (23)
- (a) forests, rangelands, and watersheds, in a healthy condition, are necessary and beneficial for wildlife, livestock grazing, and other multiple uses;
 - (b) management programs and initiatives that are implemented to increase forage for the benefit of the agricultural industry, livestock operations, and wildlife species should utilize all proven techniques and tools;
 - (c) the continued viability of livestock operations and the livestock industry should be supported on the federal lands within the state by management of the lands and forage resources, by the proper optimization of animal unit months for livestock, in accordance with the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. Sec. 315 et seq., and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. Sec. 1901 et seq.;
 - (d) provisions for predator control initiatives or programs under the direction of state and local authorities should be implemented; and
 - (e) resource use and management decisions by federal land management and regulatory agencies should support state-sponsored initiatives or programs designed to stabilize wildlife populations that may be experiencing a scientifically demonstrated decline in those populations; and
- (24) management and resource use decisions by federal land management and regulatory agencies concerning the scenic resources of the state must balance the protection of scenery with the full management requirements of the other authorized uses of the land under multiple-use management, and should carefully consider using Visual Resource Management Class I protection only for areas of inventoried Class A scenery or equivalent.

Enacted by Chapter 382, 2021 General Session

63L-11-304 Public lands transfer study and economic analysis -- Report.

- (1) As used in this section:
- (a) "Public lands" means the same as that term is defined in Section 63L-6-102.
 - (b) "Transfer of public lands" means the transfer of public lands from federal ownership to state ownership.
- (2) The office shall, on an ongoing basis, report to the Federalism Commission regarding the ramifications and economic impacts of the transfer of public lands.
- (3) The office shall:
- (a) on an ongoing basis, discuss issues related to the transfer of public lands with:
 - (i) the School and Institutional Trust Lands Administration;

- (ii) local governments;
 - (iii) water managers;
 - (iv) environmental advocates;
 - (v) outdoor recreation advocates;
 - (vi) nonconventional , renewable, and clean energy producers;
 - (vii) tourism representatives;
 - (viii) wilderness advocates;
 - (ix) ranchers and agriculture advocates;
 - (x) oil, gas, and mining producers;
 - (xi) fishing, hunting, and other wildlife interests;
 - (xii) timber producers;
 - (xiii) other interested parties; and
 - (xiv) the Federalism Commission; and
- (b) develop ways to obtain input from citizens of the state regarding the transfer of public lands and the future care and use of public lands.

Amended by Chapter 53, 2024 General Session

63L-11-305 Facilitating the acquisition of federally managed public land.

(1) As used in this section:

- (a) "Federally managed public land" means federally managed public land that the secretary is authorized to dispose of under the federally managed public land disposal law.
- (b) "Federally managed public land disposal law" means the Recreation and Public Purposes Act, 43 U.S.C. Sec. 869 et seq.
- (c) "Government entity" means any state or local government entity allowed to submit a land application under the federally managed public land disposal law.
- (d) "Land application" means an application under the federally managed public land disposal law requesting the secretary to sell or lease federally managed public land.
- (e) "Land application process" means the actions involved in the process of submitting and obtaining a final decision on a land application.
- (f) "Secretary" means the Secretary of the Interior of the United States.

(2) The office shall:

- (a) develop expertise:
 - (i) in the land application process; and
 - (ii) concerning the factors that tend to increase the chances that a land application will result in the secretary selling or leasing federally managed public land as requested in the land application;
- (b) work to educate government entities concerning:
 - (i) the availability of federally managed public land pursuant to the federally managed public land disposal law; and
 - (ii) the land application process;
- (c) advise and consult with a government entity that requests assistance from the office to formulate and submit a land application and to pursue a decision on the land application;
- (d) advise and consult with a government entity that requests assistance from the office to identify and quantify the amount of any funds needed to provide the public use described in a land application;
- (e) adopt a list of factors to be considered in determining the degree to which a land application or potential land application is in the public interest;

- (f) recommend a prioritization of land applications or potential land applications in the state according to the extent to which the land applications are in the public interest, based on the factors adopted under Subsection (2)(e);
 - (g) monitor land applications submitted by government entities for federally managed public land located within the state, including annually contacting and collecting relevant data from government entities to determine whether the government entities have submitted land applications;
 - (h) prepare and submit a written report:
 - (i) to the Natural Resources, Agriculture, and Environment Interim Committee and the Federalism Commission;
 - (ii)
 - (A) annually by no later than August 31; and
 - (B) at other times, if and as requested by the committee or commission; and
 - (iii)
 - (A) on the activities of the office under this section;
 - (B) on the land applications and potential land applications in the state, including information based on the monitoring of land applications under Subsection (2)(g);
 - (C) on the decisions of the secretary on land applications submitted by government entities in the state; and
 - (D) on the quantity of land acquired under the land applications;
 - (i) present a summary of information contained in the report described in Subsection (2)(h):
 - (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim Committee and at a meeting of the Federalism Commission;
 - (ii) annually no later than August 31; and
 - (iii) at other times, if and as requested by the committee or commission; and
 - (j) report to the Executive Appropriations Committee of the Legislature, as frequently as the advisor considers appropriate or as requested by the Executive Appropriations Committee, on the need for legislative appropriations to provide funds for the public purposes described in land applications.
- (3) The office may:
- (a) assist a government entity or the secretary in the filing and processing of a land application; and
 - (b) enter into an agreement with the secretary related to the office assisting in processing a land application.
- (4)
- (a) The office shall conduct a survey of the land applications for federally managed public land located within the state that were submitted by a government entity from July 1, 2014, to July 1, 2024, to determine:
 - (i) which government entities submitted a land application during that time frame;
 - (ii) when a government entity submitted a land application during that time frame;
 - (iii) the location and quantity of federally managed public land for which a land application was submitted during that time frame; and
 - (iv) the status of a land application submitted during that time frame.
 - (b) The office shall complete the survey required by this Subsection (4) and report the results of the survey to the Natural Resources, Agriculture, and Environment Interim Committee and Federalism Commission by no later than August 31, 2025.

Amended by Chapter 140, 2025 General Session

Amended by Chapter 148, 2025 General Session

Part 4

Resource Development Coordinating Committee

63L-11-401 Creation of Resource Development Coordinating Committee.

There is created the Resource Development Coordinating Committee within the office to:

- (1) assist the office in fulfilling the responsibilities of reviewing and coordinating technical and policy actions that may affect the physical resources of the state; and
- (2) facilitate the exchange of information on those actions among state agencies and other levels of government.

Renumbered and Amended by Chapter 382, 2021 General Session

63L-11-402 Membership -- Terms -- Chair -- Expenses.

- (1) The Resource Development Coordinating Committee consists of the following 26 members:
 - (a) the state science advisor;
 - (b) a representative from the Department of Agriculture and Food appointed by the commissioner of the Department of Agriculture and Food;
 - (c) a representative from the Department of Cultural and Community Engagement appointed by the executive director of the Department of Cultural and Community Engagement;
 - (d) a representative from the Department of Environmental Quality appointed by the executive director of the Department of Environmental Quality;
 - (e) a representative from the Department of Natural Resources appointed by the executive director of the Department of Natural Resources;
 - (f) a representative from the Department of Transportation appointed by the executive director of the Department of Transportation;
 - (g) a representative from the Governor's Office of Economic Opportunity appointed by the director of the Governor's Office of Economic Opportunity;
 - (h) a representative from the Housing and Community Development Division appointed by the director of the Housing and Community Development Division;
 - (i) a representative from the Utah Historical Society appointed by the director of the Utah Historical Society;
 - (j) a representative from the Division of Air Quality appointed by the director of the Division of Air Quality;
 - (k) a representative from the Division of Drinking Water appointed by the director of the Division of Drinking Water;
 - (l) a representative from the Division of Environmental Response and Remediation appointed by the director of the Division of Environmental Response and Remediation;
 - (m) a representative from the Division of Waste Management and Radiation Control appointed by the director of the Division of Waste Management and Radiation Control;
 - (n) a representative from the Division of Water Quality appointed by the director of the Division of Water Quality;
 - (o) a representative from the Division of Oil, Gas, and Mining appointed by the director of the Division of Oil, Gas, and Mining;
 - (p) a representative from the Division of Parks appointed by the director of the Division of Parks;

- (q) a representative from the Division of Outdoor Recreation appointed by the director of the Division of Outdoor Recreation;
 - (r) a representative from the Division of Forestry, Fire, and State Lands appointed by the director of the Division of Forestry, Fire, and State Lands;
 - (s) a representative from the Utah Geological Survey appointed by the director of the Utah Geological Survey;
 - (t) a representative from the Division of Water Resources appointed by the director of the Division of Water Resources;
 - (u) a representative from the Division of Water Rights appointed by the director of the Division of Water Rights;
 - (v) a representative from the Division of Wildlife Resources appointed by the director of the Division of Wildlife Resources;
 - (w) a representative from the School and Institutional Trust Lands Administration appointed by the director of the School and Institutional Trust Lands Administration;
 - (x) a representative from the Division of Facilities Construction and Management appointed by the director of the Division of Facilities Construction and Management;
 - (y) a representative from the Division of Emergency Management appointed by the director of the Division of Emergency Management; and
 - (z) a representative from the Division of Conservation, created under Section 4-46-401, appointed by the director of the Division of Conservation.
- (2)
- (a) As particular issues require, the coordinating committee may, by majority vote of the members present, appoint additional temporary members to serve as ex officio voting members.
 - (b) Those ex officio members may discuss and vote on the issue or issues for which they were appointed.
- (3) A chair shall be selected by a vote of 14 committee members with the concurrence of the advisor.
- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Sections 63A-3-106 and 63A-3-107; and
 - (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 140, 2025 General Session

63L-11-403 Advisor on public lands responsibilities.

The advisor shall:

- (1) administer this part;
- (2) subject to the direction and approval of the governor, take necessary action to implement this part; and
- (3) inform political subdivision representatives, in advance, of all coordinating committee meetings.

Amended by Chapter 140, 2025 General Session

63L-11-404 Coordinating committee duties.

- (1) The coordinating committee shall assist the office:
 - (a) in the review of:
 - (i) proposed state actions affecting physical resources;

- (ii) federal and federally assisted actions for which state review is provided by federal law, regulation, or policy; and
 - (iii) proposed federal regulations and policies pertaining to natural resource issues; and
 - (b) in the development and implementation of a procedure that will expedite the review of proposed energy and industrial facilities that require permits to be issued by more than one state agency.
- (2) The office shall review and forward the comments and recommendations of the committee to:
- (a) the governor;
 - (b) the initiating state agency, in the case of a proposed state action; and
 - (c) the Office of Legislative Research and General Counsel.

Renumbered and Amended by Chapter 382, 2021 General Session

63L-11-405 Powers of state agencies and local governments not limited.

This part does not limit powers conferred upon departments, agencies, instrumentalities, or political subdivisions of the state by existing law.

Renumbered and Amended by Chapter 382, 2021 General Session

Chapter 12

Granting of Real Property for Moderate Income Housing

63L-12-101 Definitions.

As used in this chapter:

- (1) "Governmental entity" means:
 - (a) an agency, as that term is defined in Section 63G-10-102;
 - (b) the School and Institutional Trust Lands Administration created in Section 53C-1-201;
 - (c) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202; or
 - (d) a political subdivision, as that term is defined in Section 63L-11-102.
- (2) "Grant" means:
 - (a) to convey, in whole or in part, with or without consideration; and
 - (b) to contract or partner with an entity for the development of moderate income housing.
- (3) "Moderate income housing" means a dwelling that is:
 - (a) offered for sale to an owner-occupier at a purchase price affordable to a household with a gross income of no more than 120% of the area median income for the county in which the residential unit is offered for sale and is deed restricted for no fewer than five years; or
 - (b) offered for rent at a rental price affordable to a household with a gross income of no more than 80% of the area median income for the county in which the residential unit is offered for rent.
- (4) "Municipality" means the same as that term is defined in Section 10-1-104.
- (5) "Owner-occupier" means an individual who owns, solely or jointly, a housing unit in which the individual lives as the individual's primary residence.

Amended by Chapter 391, 2025 General Session

63L-12-102 Grant of real property for moderate income housing.

- (1) Subject to the requirements of this section, a governmental entity may grant real property owned by the governmental entity to an entity for the development of moderate income housing on the real property.
- (2) A governmental entity shall ensure that real property granted under Subsection (1) is deed restricted for moderate income housing for at least 30 years after the day on which each moderate income housing unit is completed and occupied.
- (3) If applicable, a governmental entity granting real property under this section shall comply with:
 - (a) the provisions of Title 78B, Chapter 6, Part 5, Eminent Domain;
 - (b) Subsection 10-8-2(4), if a municipality is granting real property under this section;
 - (c) Subsection 17-50-312(5), if a county is granting real property under this section; and
 - (d) except as provided in Subsection (4), any other applicable provisions of law that govern the granting of real property by the governmental entity.
- (4) A municipality granting real property under this section is not subject to the provisions of Subsection 10-8-2(3).

Renumbered and Amended by Chapter 406, 2022 General Session

Chapter 13
Restrictions on Foreign Acquisitions of Land Act

Part 1
General Provisions

63L-13-101 Definitions.

As used in this chapter:

- (1)
 - (a) "Conservation lease" means a lease on a parcel of public land that:
 - (i) restricts the use of the parcel for the sole or primary purpose of preserving or protecting the land or the land's natural resources;
 - (ii) prohibits the extraction of the land's natural resources; or
 - (iii) is managed according to an agreement that contradicts the principles of multiple use and sustained yield, including the multiple-use, sustained-yield principles in the Federal Land Policy and Management Act, 43 U.S.C. Sec. 1732, and the National Forest Management Act, 16 U.S.C. Sec. 1604.
 - (b) "Conservation lease" includes a lease that is wholly or partially similar to a lease described in Subsection (1)(a).
 - (c) "Conservation lease" does not include a conservation easement, as that term is defined in Section 57-18-2.
- (2)
 - (a) "Ecosystem services" mean the natural and biological processes on a parcel of land that benefit human well-being and quality of life.
 - (b) "Ecosystem services" include the:
 - (i) conversion of carbon dioxide to oxygen in plants through photosynthesis;
 - (ii) purification of in-stream surface water or groundwater by naturally-occurring microorganisms, soil or bedrock percolation, or chemical detoxification; and

- (iii) noncommercial recreational benefit of natural lands.
- (3) "Interest in land" means any right, title, lien, claim, interest, or estate with respect to land.
- (4)
 - (a) "Land" means all real property within the state.
 - (b) "Land" includes:
 - (i) agricultural land, as defined in Section 4-46-102;
 - (ii) land owned or controlled by a political subdivision;
 - (iii) land owned or controlled by a school district;
 - (iv) non-federal land, as defined in Section 9-9-402;
 - (v) private land;
 - (vi) public land;
 - (vii) state land, as defined in Subsection 9-9-402(14)(a);
 - (viii) waters of the state, as defined in Subsection 19-5-102(23)(a); and
 - (ix) subsurface land.
 - (c) "Land" does not include real property that is owned, controlled, or held in trust by the federal government.
- (5) "Land conveyance" means the transfer of any interest in land from one party to another.
- (6)
 - (a) "Natural asset company" means a company that has the meaning given under the notice of the Securities and Exchange Commission titled Notice of Filing of Proposed Rule Change To Amend the NYSE Listed Company Manual To Adopt Listing Standards for Natural Asset Companies, 88 Fed. Reg. 68811, published October 4, 2023.
 - (b) "Natural asset company" includes a company that is substantially similar to a company described in Subsection (6)(a).
- (7) "Restricted foreign entity" means:
 - (a) a company that the United States Secretary of Defense is required to identify and report as a military company under Section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283;
 - (b) an entity that is owned or directly controlled by the government of China, Iran, North Korea, or Russia;
 - (c) an affiliate, subsidiary, or holding company of an entity described in Subsection (7)(a) or (b);
 - (d) a country with a commercial or defense industrial base of which an entity described in Subsection (7)(a), (b), or (c) is a part;
 - (e) a state, province, region, prefecture, subdivision, or municipality of a country described in Subsection (7)(d);
 - (f) an agency, bureau, committee, or department of a country described in Subsection (7)(d); or
 - (g) any entity in which any entity described in Subsections (7)(a) through (f) maintains at least a 51% ownership interest.

Amended by Chapter 84, 2024 General Session
Amended by Chapter 504, 2024 General Session

Part 2

Interests in Land

63L-13-201 Acquisition of land prohibited -- Exceptions -- Enforcement.

- (1) As used in this section, "department" means the Department of Public Safety created under Section 53-1-103.
- (2) Subject to Subsection (3) and Section 63L-13-202, a restricted foreign entity may not acquire an interest in land in this state.
- (3) A restricted foreign entity that, in violation of Subsection (2), obtains an interest in land shall alienate the interest in accordance with Section 63L-13-202.
- (4) The department shall:
 - (a) maintain a publicly available list of restricted foreign entities;
 - (b) create a process by which a county recorder may report a land conveyance the county recorder suspects is prohibited under this section;
 - (c) provide an annual notice to each county recorder in the state that includes:
 - (i) instruction on how to identify a restricted foreign entity;
 - (ii) the process by which a county recorder may report to the department a land conveyance the county recorder suspects is prohibited under this section; and
 - (iii) any additional information the department deems necessary;
 - (d) investigate the validity of each land conveyance a county recorder reports under this section;
 - (e) when, after investigation, the department determines that a land conveyance violates this section:
 - (i) give notice to the restricted foreign entity that:
 - (A) the land conveyance violates this section; and
 - (B) Section 63L-13-202 requires the restricted foreign entity to alienate the restricted foreign entity's interest in the land within one year or the Division of Facilities Construction and Management will sell the interest in accordance with Subsection 63L-13-202(3); and
 - (ii) notify the county recorder of the county in which the land is located of the land conveyance; and
 - (f) coordinate with the Division of Facilities Construction and Management to facilitate a sale of the interest in land as described in Section 63L-13-202.
- (5) A county recorder:
 - (a) is not liable for a conveyance to a restricted foreign entity;
 - (b) shall, upon notice from the department under Subsection (4)(e)(ii), create a public record of each violation of this section;
 - (c) shall make available a form on which an individual purchasing an interest in land may disclose that the individual served in the military of a restricted foreign entity; and
 - (d) shall send a form on which an individual makes a disclosure as described in Subsection (5)(c) to the department.

Amended by Chapter 266, 2025 General Session

63L-13-202 Alienate within one year -- Sale of property.

- (1)
 - (a) A restricted foreign entity that acquires an interest in land on or after May 1, 2024, shall alienate the interest within one year after the date of acquisition.
 - (b) A restricted foreign entity that acquired an interest in land before May 1, 2024, shall alienate the interest on or before May 1, 2025.
- (2) If a restricted foreign entity fails to alienate an interest in land as described in Subsection (1), the Division of Facilities Construction and Management shall sell the interest in land in accordance with Subsection (3).

- (3) The Division of Facilities Construction and Management shall sell an interest in land described in Subsection (2):
- (a) at public auction;
 - (b) when practicable, in the city, town, or precinct where the land is located;
 - (c) the day after the one year time period described in Subsection (1) elapses, but not longer than one year after the day on which the time period in Subsection (1) elapses;
 - (d) after publication of the date, time, and place of sale:
 - (i) in a newspaper having general circulation in the county, once in each of the two successive weeks immediately preceding the date of the sale; and
 - (ii) in accordance with Section 45-1-101 for the two weeks immediately preceding the date of the sale; and
 - (e) after notification, sent by certified mail at least 10 days before the first date of publication described in Subsection (3)(d), to:
 - (i) the restricted foreign entity;
 - (ii) all lien holders of record; and
 - (iii) any other person known to have an interest in the land.
- (4) If a political subdivision sold an interest in land described in Subsection (2) to the restricted foreign entity, the political subdivision has a right of first refusal before the sale described in Subsection (3).
- (5) After the sale of the interest in land described in Subsection (3), the Division of Facilities Construction and Management shall submit to the county recorder for recording notice of a sale described in this section.
- (6) Proceeds from a sale under Subsection (3) shall:
- (a) satisfy any outstanding liens on the interest in land; and
 - (b) after satisfying any outstanding liens, be deposited into the General Fund.

Amended by Chapter 504, 2024 General Session

63L-13-203 Natural asset companies prohibited.

- (1) A natural asset company may not purchase or lease state public lands.
- (2) On public lands within the state, a natural asset company may not:
 - (a) own or manage a conservation lease; or
 - (b) purchase or lease ecosystem services.

Enacted by Chapter 84, 2024 General Session

63L-13-204 Purchase of interest of land or lease of an interest in land on behalf of restricted foreign entity prohibited -- Disclosure required.

- (1) A person may not purchase an interest in land or lease an interest in land on behalf of a restricted foreign entity.
- (2) A person violates Subsection (1) if the person knowingly purchases an interest in land or leases an interest in land:
 - (a) using funds provided by a restricted foreign entity; or
 - (b) under the direction of a restricted foreign entity.
- (3) An individual purchasing an interest in land shall disclose if the individual served in the military of a restricted foreign entity.

- (4) An individual violates Subsection (3) if the individual fails to disclose to the county recorder of the county in which the interest in land is located, on a form described in Subsection 63L-13-201(5), that the individual served in the military of a restricted foreign entity.
- (5) A person that violates Subsection (1) is guilty of a third degree felony.
- (6) An individual who violates Subsection (3) is guilty of a third degree felony.

Enacted by Chapter 266, 2025 General Session