

**Effective 5/10/2016**

**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 23, Wildlife Resources Code of Utah; 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 23, Wildlife Resources Code of Utah.
  - (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.

Enacted by Chapter 317, 2016 General Session