

Effective 5/10/2016

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