

Effective 5/10/2016

**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 institute a civil action in a district court 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) Conservation officers employed by the Division of Wildlife Resources have authority to enforce the laws and regulations under Title 23A, Wildlife Resources Act, for the sake of any protected wildlife.

- (d) A conservation officer 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 34, 2023 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

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