

**Effective 5/8/2018**

**Chapter 15  
Utah Lake Restoration Act**

**Part 1  
General Provisions**

**65A-15-101 Title.**

This chapter is known as the "Utah Lake Restoration Act."

Enacted by Chapter 381, 2018 General Session

**65A-15-102 Definitions.**

As used in this chapter:

- (1) "Restoration project" means a project for the comprehensive restoration of Utah Lake, as provided in this chapter.
- (2) "Restoration proposal" means a proposal submitted to the division for a restoration project.

Enacted by Chapter 381, 2018 General Session

**65A-15-103 Legislative findings.**

The Legislature finds that:

- (1) Utah Lake currently faces serious challenges, including:
  - (a) fluctuating lake levels;
  - (b) uncontrolled, toxic algal blooms;
  - (c) loss of native vegetation;
  - (d) invasive fish and plant species;
  - (e) loss of littoral zone plants;
  - (f) suspended silt on the lake bottom;
  - (g) poor water clarity;
  - (h) heavy nutrient loading of lake sediments and within the water column; and
  - (i) high wind and wave action;
- (2) initial conservation efforts are producing measurable results and demonstrate that conservation solutions can produce restoration objective on Utah Lake;
- (3) additional and significant conservation investments are needed to implement the comprehensive solutions needed to fully restore Utah Lake and its water quality;
- (4) there is not a reasonable public funding source to undertake the comprehensive solutions needed to restore Utah Lake; and
- (5) it is in the interest of the state to undertake a comprehensive restoration of Utah Lake for the benefit of public trust uses on the lake.

Enacted by Chapter 381, 2018 General Session

**Part 2  
Utah Lake Restoration Project**

**65A-15-201 Division recommendation on disposal of state land in exchange for Utah Lake restoration project -- Approval of Legislature and governor required -- Criteria -- Division recommendations for defining and meeting objectives.**

- (1)
  - (a) The division may recommend the disposal of appropriately available state land in and around Utah Lake as compensation for the comprehensive restoration of Utah Lake under a restoration proposal if the division finds that the restoration project will enhance the following public benefits:
    - (i) restoring the clarity and quality of the water in Utah Lake;
    - (ii) conserving water resources in and around Utah Lake;
    - (iii) preserving the water storage and water supply functions of Utah Lake;
    - (iv) removing invasive plant and animal species, including phragmites and carp, from Utah Lake;
    - (v) restoring littoral zone and other plant communities in and around Utah Lake;
    - (vi) restoring and conserving native fish and other aquatic species in Utah Lake, including Bonneville cutthroat trout and June Sucker;
    - (vii) increasing the suitability of Utah Lake and its surrounding areas for shore birds, waterfowl, and other avian species;
    - (viii) improving navigability of Utah Lake;
    - (ix) maximizing, enhancing, and ensuring recreational access and opportunities on Utah Lake;
    - (x) preserving current water rights related to water associated with Utah Lake;
    - (xi) otherwise improving the use of Utah Lake for residents and visitors;
    - (xii) substantially accommodating an existing use on land in or around Utah Lake; and
    - (xiii) providing any other benefits identified by the division.
  - (b) If the division chooses to make a recommendation under Subsection (1)(a), the division shall make the recommendation in writing to the Legislature and governor.
- (2) In determining whether to recommend the disposal of state land in exchange for the execution of a restoration project, as provided in Subsection (1)(a) and pursuant to a restoration proposal, the division shall consider:
  - (a) the potential that the restoration project presents for additional revenue to state and local government entities;
  - (b) the ability of the proposed use of the state land given in exchange for the restoration project to enhance state property adjacent to Utah Lake;
  - (c) the proposed timetable for completion of the restoration project;
  - (d) the ability of the person who submits a restoration project to execute and complete the restoration project satisfactorily; and
  - (e) the desirability of the proposed use of Utah Lake and the surrounding areas as a result of the restoration project.
- (3) The Legislature and governor may, through the adoption of a concurrent resolution, authorize the disposal of state land in and around Utah Lake as compensation for the comprehensive restoration of Utah Lake under a restoration proposal if:
  - (a) the division recommends the disposal as provided in Subsection (1); and
  - (b) the Legislature and governor make a determination, in a concurrent resolution adopted under this Subsection (3), that:
    - (i) the restoration project will accomplish the objectives listed in Subsection (1)(a); and
    - (ii) the disposal is:
      - (A) a fiscally sound and fair method of providing for the comprehensive restoration of Utah Lake; and

(B) constitutionally sound and legal.

- (4) In support of the required permitting application for a restoration project, the division shall:
- (a) prepare recommendations for standards, criteria, and thresholds to define more specifically the objectives listed in Subsections (1)(a) and (3)(b)(ii) and how and when those objectives are to be met;
  - (b) report on the division's efforts under Subsection (4)(a) to the Natural Resources, Agriculture, and Environment Interim Committee, as requested by the committee chairs; and
  - (c) upon completion of recommendations under Subsection (4)(a), present the recommendations to the Natural Resources, Agriculture, and Environment Interim Committee.

Amended by Chapter 60, 2022 General Session

**65A-15-202 Status of state lands after a change in ownership.**

Once the division transfers ownership of state land to a private party in exchange for and in furtherance of a restoration project, the land becomes subject to, as applicable:

- (1) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
- (2) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

Enacted by Chapter 381, 2018 General Session