Chapter 15
Utah Lake Restoration Act

Part 1
General Provisions

65A-15-101 Title.
This chapter is known as the "Utah Lake Restoration Act."

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.

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.

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) 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
(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