

PUBLIC USE OF STATE-OWNED LANDS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Joseph L. Hull

AN ACT RELATING TO WILDLIFE RESOURCES AND STATE LANDS; AUTHORIZING THE DIVISION OF FORESTRY, FIRE, AND STATE LANDS, IN CONJUNCTION WITH THE WILDLIFE BOARD, TO RESTRICT PUBLIC USE OF LEASED SOVEREIGN LANDS FOR HUNTING, TRAPPING, OR FISHING.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

23-21-4, as last amended by Chapter 276, Laws of Utah 1997

ENACTS:

65A-2-5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **23-21-4** is amended to read:

23-21-4. Right of access to lands for hunting, trapping, or fishing reserved to public

-- **Exception.**

(1) ~~[There]~~ Except as provided in Section 65A-2-5, there is reserved to the public the right of access to all lands owned by the state, including those lands lying below the official government meander line or high water line of navigable waters, for the purpose of hunting, trapping, ~~[and]~~ or fishing.

(2) ~~[Whenever]~~ When any department or agency of the state leases or sells any lands belonging to the state of Utah lying below the official government meander line or the high water line of the navigable waters within the state, the lease, contract of sale, or deed shall contain a provision that:

(a) ~~[these]~~ the lands shall be open to the public for the purpose of hunting, trapping, ~~[and]~~ or fishing ~~[on them]~~ during the lawful season, except~~[:]~~ as provided by Section 65A-2-5; and
[~~(i) where the lands are situated in incorporated or unincorporated towns or cities; and~~]
[~~(ii) when it is mutually agreed by the director of the Division of Forestry, Fire, and State~~]

~~Lands, and the Wildlife Board that the lands may be leased or sold for exploration or development of minerals including oil and gas; and]~~

(b) no charge may be made by the lessee, contractee, or grantee to any person who desires to go upon the land for the purpose of hunting, trapping, or fishing.

(3) Lands referred to in this section shall be regulated or closed to ~~[fishing;]~~ hunting, ~~[or]~~ trapping, ~~or fishing~~ as provided in this ~~[code]~~ title for other lands and waters.

Section 2. Section **65A-2-5** is enacted to read:

65A-2-5. Protection of leasehold interests.

The director of the Division of Forestry, Fire, and State Lands, in conjunction with the Wildlife Board, may restrict or limit public use of leased parcels of sovereign lands for hunting, trapping, or fishing:

(1) upon the petition of the affected lessee;

(2) after a public hearing; and

(3) upon a determination that unrestricted public use for hunting, trapping, or fishing substantially interferes with the primary activities authorized by the lease.