

**Representative Michael K. McKell** proposes the following substitute bill:

**UTAH LAKE AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

Senate Sponsor: Deidre M. Henderson

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**LONG TITLE**

**General Description:**

This bill enacts provisions dealing with restoring Utah Lake.

**Highlighted Provisions:**

This bill:

- ▶ contains legislative findings on the condition of Utah Lake;
- ▶ authorizes the Division of Forestry, Fire, and State Lands to dispose of state land in exchange for the execution of a project for the comprehensive restoration of Utah Lake; and
- ▶ provides for land transferred to a private party to become subject to applicable land use provisions of state law.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

ENACTS:

**65A-15-101**, Utah Code Annotated 1953

**65A-15-102**, Utah Code Annotated 1953



- 26 [65A-15-103](#), Utah Code Annotated 1953
- 27 [65A-15-201](#), Utah Code Annotated 1953
- 28 [65A-15-202](#), Utah Code Annotated 1953

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

31 Section 1. Section **65A-15-101** is enacted to read:

32 **CHAPTER 15. UTAH LAKE RESTORATION ACT**

33 **Part 1. General Provisions**

34 **65A-15-101. Title.**

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

36 Section 2. Section **65A-15-102** is enacted to read:

37 **65A-15-102. Definitions.**

38 As used in this chapter:

39 (1) "Restoration project" means a project for the comprehensive restoration of Utah  
40 Lake, as provided in this chapter.

41 (2) "Restoration proposal" means a proposal submitted to the division for a restoration  
42 project.

43 Section 3. Section **65A-15-103** is enacted to read:

44 **65A-15-103. Legislative findings.**

45 The Legislature finds that:

46 (1) Utah Lake currently faces serious challenges, including:

47 (a) fluctuating lake levels;

48 (b) uncontrolled, toxic algal blooms;

49 (c) loss of native vegetation;

50 (d) invasive fish and plant species;

51 (e) loss of littoral zone plants;

52 (f) suspended silt on the lake bottom;

53 (g) poor water clarity;

54 (h) heavy nutrient loading of lake sediments and within the water column; and

55 (i) high wind and wave action;

56 (2) initial conservation efforts are producing measurable results and demonstrate that

57 conservation solutions can produce restoration objective on Utah Lake;

58 (3) additional and significant conservation investments are needed to implement the  
59 comprehensive solutions needed to fully restore Utah Lake and its water quality;

60 (4) there is not a reasonable public funding source to undertake the comprehensive  
61 solutions needed to restore Utah Lake; and

62 (5) it is in the interest of the state to undertake a comprehensive restoration of Utah  
63 Lake for the benefit of public trust uses on the lake.

64 Section 4. Section **65A-15-201** is enacted to read:

65 **Part 2. Utah Lake Restoration Project**

66 **65A-15-201. Division authority to dispose of sovereign land in exchange for Utah**  
67 **Lake restoration project -- Criteria.**

68 (1) The division may dispose of appropriately available state land in and around Utah  
69 Lake as compensation for the comprehensive restoration of Utah Lake under a restoration  
70 proposal if the division finds that the restoration project will:

71 (a) restore the clarity and quality of the water in Utah Lake;

72 (b) conserve water resources in and around Utah Lake;

73 (c) preserve the water storage and water supply functions of Utah Lake;

74 (d) remove invasive plant and animal species, including phragmites and carp, from  
75 Utah Lake;

76 (e) restore littoral zone and other plant communities in and around Utah Lake;

77 (f) restore and conserve native fish and other aquatic species in Utah Lake, including  
78 Bonneville cutthroat trout and June Sucker;

79 (g) increase the suitability of Utah Lake and its surrounding areas for shore birds,  
80 waterfowl, and other avian species;

81 (h) improve navigability of Utah Lake;

82 (i) maximize, enhance, and ensure recreational access and opportunities on Utah Lake;

83 and

84 (j) otherwise improve the use of Utah Lake for residents and visitors.

85 (2) In determining whether to dispose of state land in exchange for the execution of a  
86 restoration project, as provided in Subsection (1) and pursuant to a restoration proposal, the  
87 division shall consider:

88           (a) the potential that the restoration project presents for additional revenue to state and  
89 local government entities;

90           (b) the ability of the proposed use of the state land given in exchange for the restoration  
91 project to enhance state property adjacent to Utah Lake;

92           (c) the proposed timetable for completion of the restoration project;

93           (d) the ability of the person who submits a restoration project to execute and complete  
94 the restoration project satisfactorily; and

95           (e) the desirability of the proposed use of Utah Lake and the surrounding areas as a  
96 result of the restoration project.

97           Section 5. Section **65A-15-202** is enacted to read:

98           **65A-15-202. Status of state lands after a change in ownership.**

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

101           (1) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or

102           (2) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

103           Section 6. **Effective date.**

104           If approved by two-thirds of all the members elected to each house, this bill takes effect  
105 upon approval by the governor, or the day following the constitutional time limit of Utah  
106 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
107 the date of veto override.