

460 improvement project agreement with the lake authority.

461 (2) (a) Subject to Subsection (2)(b), the lake authority is substituted in the place of the
462 division with respect to the management of Utah Lake.

463 (b) Subsection (2)(a) does not affect the division's role and responsibility relating to:

464 (i) the administration and issuance of permits, leases, rights of entry, or easements; or

465 (ii) the disposal of lake authority land.

466 (3) The lake authority may enter into an improvement project agreement if:

467 (a) the lake authority finds that the improvement project will fulfill the purposes listed

468 in ~~§~~ → [Subsection 11-65-202(4)(a)] Section 11-65-203 ← ~~§~~ ;

469 (b) the proposed improvement project is consistent with the public trust doctrine and
470 the provisions of this chapter;

471 (c) the improvement project contractor obtains necessary permitting authorization from
472 the division to construct or implement the improvement project on lake authority land; and

473 (d) at least 30 days before entering into the improvement project agreement, the lake
474 authority provides notice of the lake authority's intention to enter into the improvement project
475 agreement to each person that has requested notice under Subsection 11-65-402(2)(c) of the
476 lake authority's intention to enter into the improvement project agreement.

477 (4) (a) An improvement project agreement may include a provision allowing the
478 division to permit a use of Utah Lake, consistent with the public trust doctrine, in exchange for
479 the implementation of the improvement project agreement, as provided in this Subsection (4).

480 (b) (i) If provided for in an improvement project agreement, the lake authority may
481 recommend that the division allow the use of Utah Lake in exchange for the implementation of
482 the improvement project agreement.

483 (ii) In making a recommendation under Subsection (4)(b)(i), the lake authority shall
484 consider:

485 (A) the potential benefit to the citizens of the state from execution of an improvement
486 project, the desirability of the proposed use of Utah Lake and the surrounding areas as a result
487 of the improvement project, and the enhancement of the usability and enjoyment of Utah Lake
488 and lake authority land that will accrue to the public because of the improvement project;

489 (B) the potential detriment to appropriated water rights in Utah Lake, in upstream
490 tributaries, and downstream of Utah Lake;