

Representative Keven J. Stratton proposes the following substitute bill:

UTAH LAKE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions of the Utah Lake Restoration Act.

Highlighted Provisions:

This bill:

▶ modifies the authority given to the Division of Forestry, Fire, and State Lands, with respect to the disposal of Utah Lake land in exchange for the comprehensive restoration of Utah Lake under a restoration proposal, from authority to dispose of land to authority to make a recommendation for the disposal of the land;

▶ requires the approval of the Legislature and governor for the disposal of Utah Lake land in exchange for the comprehensive restoration of Utah Lake under a restoration proposal; and

▶ requires the division to prepare recommendations on objectives of the Utah Lake restoration and report those recommendations to the Natural Resources, Agriculture, and Environment Interim Committee.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **65A-15-201**, as enacted by Laws of Utah 2018, Chapter 38129

30 *Be it enacted by the Legislature of the state of Utah:*31 Section 1. Section **65A-15-201** is amended to read:32 **65A-15-201. Division authority to dispose of sovereign land in exchange for Utah**
33 **Lake restoration project -- Criteria.**34 (1) (a) [~~Subject to the approval of the Legislative Management Committee, the~~] The
35 division may [~~dispose~~] recommend the disposal of appropriately available state land in and
36 around Utah Lake as compensation for the comprehensive restoration of Utah Lake under a
37 restoration proposal if the division finds that the restoration project will enhance ~~H→~~ the
37a following ~~←H~~ public
38 benefits ~~H→~~ [~~such as~~] ~~←H~~ :39 [(a)] (i) [~~restore~~] restoring the clarity and quality of the water in Utah Lake;40 [(b)] (ii) [~~conserve~~] conserving water resources in and around Utah Lake;41 [(c)] (iii) [~~preserve~~] preserving the water storage and water supply functions of Utah
42 Lake;43 [(d)] (iv) [~~remove~~] removing invasive plant and animal species, including phragmites
44 and carp, from Utah Lake;45 [(e)] (v) [~~restore~~] restoring littoral zone and other plant communities in and around
46 Utah Lake;47 [(f)] (vi) [~~restore~~] restoring and [~~conserve~~] conserving native fish and other aquatic
48 species in Utah Lake, including Bonneville cutthroat trout and June Sucker;49 [(g)] (vii) [~~increase~~] increasing the suitability of Utah Lake and its surrounding areas
50 for shore birds, waterfowl, and other avian species;51 [(h)] (viii) [~~improve~~] improving navigability of Utah Lake;52 [(i)] (ix) [~~maximize, enhance, and ensure~~] maximizing, enhancing, and ensuring
53 recreational access and opportunities on Utah Lake;54 [(j)] (x) [~~preserve~~] preserving current water rights related to water associated with Utah
55 Lake; [~~and~~]56 [(k)] (xi) otherwise [~~improve~~] improving the use of Utah Lake for residents and

57 visitors[-];

58 (xii) substantially accommodating an existing use on land in or around Utah Lake; and

59 (xiii) providing any other benefits identified by the division.

60 (b) If the division chooses to make a recommendation under Subsection (1)(a), the

61 division shall make the recommendation in writing to the Legislature and governor.

62 (2) In determining whether to [~~dispose~~] recommend the disposal of state land in

63 exchange for the execution of a restoration project, as provided in Subsection (1)(a) and

64 pursuant to a restoration proposal, the division shall consider:

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

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

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

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

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

74 (3) The Legislature and governor may, through the adoption of a concurrent resolution,

75 authorize the disposal of state land in and around Utah Lake as compensation for the

76 comprehensive restoration of Utah Lake under a restoration proposal if:

77 (a) the division recommends the disposal as provided in Subsection (1); and

78 (b) the Legislature and governor make a determination, in a concurrent resolution

79 adopted under this Subsection (3), that:

80 (i) the restoration project will accomplish the objectives listed in Subsection (1)(a); and

81 (ii) the disposal is:

82 (A) a fiscally sound and fair method of providing for the comprehensive restoration of

83 Utah Lake; and

84 (B) constitutionally sound and legal.

85 (4) In support of the required permitting application for a restoration project, the

86 division shall:

87 (a) prepare recommendations for standards, criteria, and thresholds to define more

88 specifically the objectives listed in Subsections (1)(a) and (3)(b)(ii) and how and when those
89 objectives are to be met;

90 (b) report on the division's efforts under Subsection (4)(a) to the Natural Resources,
91 Agriculture, and Environment Interim Committee, as requested by the committee chairs; and

92 (c) upon completion of recommendations under Subsection (4)(a), present the
93 recommendations to the Natural Resources, Agriculture, and Environment Interim Committee.