

UTAH PUBLIC LAND MANAGEMENT ACT

2016 GENERAL SESSION

STATE OF UTAH

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Senate Sponsor: David P. Hinkins

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LONG TITLE

General Description:

This bill enacts the Utah Public Land Management Act.

Highlighted Provisions:

This bill:

- 28           ▶ defines terms;
- 29           ▶ makes findings;
- 30           ▶ requires the director of the Division of Oil, Gas, and Mining to make a report to the
- 31 Commission for the Stewardship of Public Lands;
- 32           ▶ establishes duties for the director of the Department of Natural Resources and the
- 33 commissioner of the Department of Agriculture and Food;
- 34           ▶ authorizes fees;
- 35           ▶ establishes the:
  - 36           • Public Land Protection Fund;
  - 37           • Public Land Management Fund;
  - 38           • Timber Fund; and
  - 39           • Grazing Land Fund;
- 40           ▶ establishes a procedure to issue a right-of-way or use authorization on public land;
- 41           ▶ creates the Division of Land Management within the Department of Natural
- 42 Resources;
- 43           ▶ creates the Public Land Management Advisory Board;
- 44           ▶ requires reports to the Legislature; and
- 45           ▶ makes technical changes.

**46 Money Appropriated in this Bill:**

47           None

**48 Other Special Clauses:**

49           None

**50 Utah Code Sections Affected:**

51 AMENDS:

52           **40-6-16**, as last amended by Laws of Utah 1993, Chapter 227

53           **79-2-201**, as last amended by Laws of Utah 2013, Chapter 413

54 ENACTS:

55           **63L-8-101**, Utah Code Annotated 1953

- 56 [63L-8-102](#), Utah Code Annotated 1953
- 57 [63L-8-103](#), Utah Code Annotated 1953
- 58 [63L-8-104](#), Utah Code Annotated 1953
- 59 [63L-8-105](#), Utah Code Annotated 1953
- 60 [63L-8-201](#), Utah Code Annotated 1953
- 61 [63L-8-202](#), Utah Code Annotated 1953
- 62 [63L-8-203](#), Utah Code Annotated 1953
- 63 [63L-8-301](#), Utah Code Annotated 1953
- 64 [63L-8-302](#), Utah Code Annotated 1953
- 65 [63L-8-303](#), Utah Code Annotated 1953
- 66 [63L-8-304](#), Utah Code Annotated 1953
- 67 [63L-8-305](#), Utah Code Annotated 1953
- 68 [63L-8-306](#), Utah Code Annotated 1953
- 69 [63L-8-307](#), Utah Code Annotated 1953
- 70 [63L-8-308](#), Utah Code Annotated 1953
- 71 [63L-8-309](#), Utah Code Annotated 1953
- 72 [63L-8-310](#), Utah Code Annotated 1953
- 73 [63L-8-311](#), Utah Code Annotated 1953
- 74 [63L-8-312](#), Utah Code Annotated 1953
- 75 [63L-8-401](#), Utah Code Annotated 1953
- 76 [63L-8-402](#), Utah Code Annotated 1953
- 77 [63L-8-403](#), Utah Code Annotated 1953
- 78 [63L-8-501](#), Utah Code Annotated 1953
- 79 [63L-8-502](#), Utah Code Annotated 1953
- 80 [63L-8-503](#), Utah Code Annotated 1953
- 81 [63L-8-504](#), Utah Code Annotated 1953
- 82 [63L-8-505](#), Utah Code Annotated 1953
- 83 [63L-8-506](#), Utah Code Annotated 1953

- 84 [63L-8-507](#), Utah Code Annotated 1953
- 85 [63L-8-508](#), Utah Code Annotated 1953
- 86 [63L-8-509](#), Utah Code Annotated 1953
- 87 [63L-8-510](#), Utah Code Annotated 1953
- 88 [63L-8-511](#), Utah Code Annotated 1953
- 89 [63L-8-601](#), Utah Code Annotated 1953
- 90 [63L-8-602](#), Utah Code Annotated 1953
- 91 [79-6-101](#), Utah Code Annotated 1953
- 92 [79-6-102](#), Utah Code Annotated 1953
- 93 [79-6-103](#), Utah Code Annotated 1953
- 94 [79-6-104](#), Utah Code Annotated 1953
- 95 [79-6-105](#), Utah Code Annotated 1953

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

98 Section 1. Section [40-6-16](#) is amended to read:

99 **40-6-16. Duties of division.**

100 (1) In addition to the duties assigned by the board, the division shall:

101 [~~1~~] (a) develop and implement an inspection program that will include but not be  
102 limited to production data, pre-drilling checks, and site security reviews;

103 [~~2~~] (b) publish a monthly production report;

104 [~~3~~] (c) publish a monthly gas processing plant report;

105 [~~4~~] (d) review and evaluate, prior to a hearing, evidence submitted with the petition to  
106 be presented to the board;

107 [~~5~~] (e) require adequate assurance of approved water rights in accordance with rules  
108 and orders enacted under Section [40-6-5](#); and

109 [~~6~~] (f) notify the county executive of the county in which the drilling will take place  
110 in writing of the issuance of a drilling permit.

111 (2) The director shall, by October 30, 2016, report to the Commission for the

112 Stewardship of Public Lands regarding the division's recommendations for how the state shall  
113 deal with oil, gas, and mining issues in the Utah Public Land Management Act.

114 Section 2. Section **63L-8-101** is enacted to read:

115 **CHAPTER 8. UTAH PUBLIC LAND MANAGEMENT ACT**

116 **Part 1. General Provisions**

117 **63L-8-101. Title.**

118 (1) This chapter is known as the "Utah Public Land Management Act."

119 (2) This part is known as "General Provisions."

120 Section 3. Section **63L-8-102** is enacted to read:

121 **63L-8-102. Definitions.**

122 As used in this chapter:

123 (1) "Board" means the board created in Section [79-6-104](#).

124 (2) "Commissioner" means the commissioner of the Department of Agriculture and  
125 Food, or the commissioner's designee.

126 (3) "DAF" means the Department of Agriculture and Food.

127 (4) "Director" means the director of the Division of Land Management or the director's  
128 designee.

129 (5) "DLM" means the Division of Land Management, a division created within the  
130 Department of Natural Resources in Section [79-6-102](#).

131 (6) "Grazing permit" means a document, issued by the Division of Land Management,  
132 authorizing use of public land for the purpose of grazing domestic livestock.

133 (7) "Land use authorization" means an easement, lease, permit, or license to occupy,  
134 use, or traverse public land granted for a particular purpose.

135 (8) "Minerals" means all classes of inorganic material upon, within, or beneath the  
136 surface of public land, including silver, gold, copper, lead, zinc, uranium, gemstones, potash,  
137 gypsum, clay, salts, sand, rock, gravel, oil, oil shale, oil sands, gas, coal, and all carboniferous  
138 materials.

139 (9) "Multiple use" means:

140 (a) the management of the public land and the public land's various resource values so  
141 resources are best utilized in the combination that will meet the present and future needs of the  
142 citizens of Utah;

143 (b) making the most judicious use of land for some or all of the resources or related  
144 services over areas large enough to provide sufficient latitude for periodic adjustments in use to  
145 conform to changing needs and conditions;

146 (c) a combination of balanced and diverse resource uses that take into account the  
147 long-term needs of future generations for renewable and non-renewable resources, including  
148 recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific,  
149 and historic values; and

150 (d) harmonious and coordinated management of the various resources without  
151 permanent impairment of the productivity of the land and the quality of the environment with  
152 consideration being given to the relative values of the resources.

153 (10) "Public land" means any land or land interest acquired by the state from the  
154 federal government pursuant to Section 63L-6-103, except:

155 (a) areas subsequently designated as a protected wilderness area, as described in Title  
156 63L, Chapter 7, Utah Wilderness Act; and

157 (b) lands managed by the School and Institutional Trust Lands Administration pursuant  
158 to Title 53C, School and Institutional Trust Lands Management Act.

159 (11) "Rangeland" means open public land used for grazing domestic livestock.

160 (12) "Sustained yield" means the achievement and maintenance in perpetuity of a  
161 high-level annual or regular periodic output of the various renewable resources of the public  
162 land consistent with multiple use.

163 (13) "Wilderness" means the same as that term is defined in Section 63L-7-103.

164 Section 4. Section **63L-8-103** is enacted to read:

165 **63L-8-103. Principal or major use.**

166 Each parcel of public land in this state shall be managed, as much as possible, to  
167 promote the following principal or major uses of the land, consistent with the principles of

168 multiple use and sustained yield:

- 169 (1) domestic livestock grazing;
- 170 (2) fish and wildlife development and utilization;
- 171 (3) mineral exploration and production;
- 172 (4) rights-of-way;
- 173 (5) outdoor recreation;
- 174 (6) timber production; and
- 175 (7) wilderness conservation.

176 Section 5. Section **63L-8-104** is enacted to read:

177 **63L-8-104. Declaration of policy.**

178 (1) The Legislature declares that it is the policy of the state that:

179 (a) public land be retained in state ownership consistent with the provisions of this  
180 chapter;

181 (b) public land may not be sold, except:

182 (i) as consistent with this chapter;

183 (ii) as consistent with local land use plans;

184 (iii) with the approval of the director and the board;

185 (iv) after sufficient opportunity for public comment; and

186 (v) for an important public interest;

187 (c) goals and objectives be established by law as guidelines for public land use

188 planning, and that management be on the basis of multiple use and sustained yield, unless

189 otherwise provided by statute; and

190 (d) the public land be managed in a manner that will:

191 (i) recognize the state's need for domestic sources of minerals, food, timber, and fiber;

192 (ii) protect the quality of scientific, scenic, historical, ecological, environmental, air

193 and atmospheric, water resource, and archeological values;

194 (iii) where appropriate, preserve and protect certain public land in its natural condition;

195 (iv) provide food and habitat for fish, wildlife, and domestic animals; and

196 (v) provide for outdoor recreation, human occupancy, and other human use.

197 (2) All rules made to effectuate the purposes of this chapter shall be made in  
198 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

199 Section 6. Section **63L-8-105** is enacted to read:

200 **63L-8-105. Interdepartmental cooperation.**

201 (1) The director, subject to periodic review of the Legislature, may establish programs  
202 to conduct projects, planning, permitting, leasing, contracting and other activities on public  
203 land.

204 (2) (a) The director shall provide management policies and programs for all uses of  
205 public land, including the principal or major uses described in Section [63L-8-103](#).

206 (b) The director shall consult with the commissioner, who may make recommendations  
207 to the director on rangeland management issues on public land, including:

208 (i) determining the number of domestic animals that may be sustained on a tract of land  
209 while maintaining that land for wildlife and fish use and future grazing use; and

210 (ii) issuing grazing permits.

211 (c) The director shall consult with other state agencies having management  
212 responsibility over natural resources that may be impacted by management decisions and  
213 actions on public land.

214 Section 7. Section **63L-8-201** is enacted to read:

215 **Part 2. Identification and Land Use Planning**

216 **63L-8-201. Title.**

217 This part is known as "Identification and Land Use Planning."

218 Section 8. Section **63L-8-202** is enacted to read:

219 **63L-8-202. Land use planning.**

220 (1) The director, in consultation with the board, the commissioner, and other state  
221 agencies with management authority over other state owned land and resources affected by  
222 land use planning shall, with public involvement, develop, maintain, and revise land use plans  
223 that address the use and conservation of public land in the state.



224 (2) In the development and revision of land use plans, the director shall:  
225 (a) use and observe the principles of multiple use and sustained yield;  
226 (b) develop rules describing the degree of planning necessary for each category of  
227 activity upon, or conservation of, public land;  
228 (c) provide for compliance with applicable pollution control laws;  
229 (d) make determinations concerning the management, protection, and conservation of  
230 plant species officially designated as endangered or threatened under the federal Endangered  
231 Species Act of 1973, as amended, on public land; and  
232 (e) to the extent consistent with the laws governing the administration of the public  
233 land:  
234 (i) coordinate the land use inventory, planning, and management activities for public  
235 land with the land use planning and management programs of the county government within  
236 which the public land is located; and  
237 (ii) involve the public and local county officials in the development of land use  
238 programs, land use rules, and land use decisions for public land, including early public notice  
239 of proposed decisions, programs, or regulations that may have a significant impact on  
240 non-public land.  
241 (3) The director shall, to the maximum extent possible and consistent with this chapter,  
242 implement land use plans that provide for consistent results with local land use plans.  
243 (4) (a) Management decisions shall remain subject to reconsideration, modification,  
244 and termination through revision by the director, subject to contractual rights granted by any  
245 land use authorization issued by the division.  
246 (b) The director shall report to the speaker of the House of Representatives and the  
247 president of the Senate on a management program or policy decision that eliminates, for two or  
248 more years, one or more of the principal or major uses of a tract of public land of 1,000 acres or  
249 more.  
250 (5) The director shall:  
251 (a) allow an opportunity for public involvement; and

252 (b) establish rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
253 Rulemaking Act, to give governments and the public adequate notice and opportunity to  
254 comment upon and participate in the formulation of plans, programs, and policies relating to  
255 the management of the public land.

256 Section 9. Section 63L-8-203 is enacted to read:

257 **63L-8-203. Honoring pre-existing claims and rights.**

258 (1) Upon receiving title to a tract of federal public land, the state shall honor all  
259 pre-existing rights that run appurtenant to that tract of federal public land.

260 (2) The state shall develop an adjudicative process to deal with competing claims to  
261 rights that run appurtenant to a tract of federal public land.

262 Section 10. Section 63L-8-301 is enacted to read:

263 **Part 3. Administration of the Utah Public Land Management Act**

264 **63L-8-301. Title.**

265 This part is known as "Administration of the Utah Public Land Management Act."

266 Section 11. Section 63L-8-302 is enacted to read:

267 **63L-8-302. Division of Land Management.**

268 Except as otherwise provided by law, the Division of Land Management, created in  
269 Section 79-6-102, shall provide necessary staff support for the implementation of this chapter.

270 Section 12. Section 63L-8-303 is enacted to read:

271 **63L-8-303. Management of use, occupancy, and development of public land.**

272 (1) As used in this section, "casual" means activity that:

273 (a) occurs irregularly; and

274 (b) is non-commercial.

275 (2) (a) Except as provided in Subsection (2)(b), the director shall manage the public  
276 land under principles of multiple use and sustained yield, in accordance with land use plans  
277 developed by the DLM.

278 (b) Where a tract of public land has been dedicated to a specific use according to a  
279 provision of law, legal encumbrance, or contractual obligation, it shall be managed in

280 accordance with those provisions.

281 (3) (a) The director shall, subject to Subsection (3)(b) and other applicable law,  
282 authorize use of the public land through land use authorizations.

283 (b) The director may permit state departments, agencies, and local governments to use,  
284 occupy, and develop public land through rights-of-way or other cooperative agreements.

285 (c) The director may authorize use of the land through specific programs, such as:

286 (i) the collection of firewood, nuts, or the casual gathering of other organic products;

287 (ii) camping or other casual use;

288 (iii) rockhounding, building stone, or the gathering of other rock products; or

289 (iv) other casual uses.

290 (d) The programs described in Subsection (3)(c) may require the issuance of a permit  
291 and collection of a reasonable fee, if necessary.

292 (e) Nothing in this chapter shall be construed as:

293 (i) authorizing the director to:

294 (A) require permits to hunt and fish on public land and adjacent water beyond those  
295 approved by the Wildlife Board pursuant to Title 23, Wildlife Resources Code of Utah; or

296 (B) to close public land or areas of public land to hunting, fishing, or trapping, except  
297 as provided in Subsection (3)(f); or

298 (ii) enlarging or diminishing the responsibility and authority of the Wildlife Board or  
299 Division of Wildlife Resources for management of fish and resident wildlife on public land  
300 pursuant to Title 23, Wildlife Resources Code of Utah.

301 (f) The director may designate areas of public land where, and establish periods when,  
302 no hunting will be permitted on public land for reasons of public safety, administration, or  
303 compliance with provisions of applicable law.

304 (4) Subject to Subsection (5), the director shall insert in any land use authorization  
305 providing for the use, occupancy, or development of the public land, a provision authorizing  
306 revocation or suspension, after notice and hearing, of the authorization upon a final  
307 administrative finding of a violation of any term or condition of the authorization.

308           (5) (a) The director may immediately revoke or suspend a land use authorization if,  
309 after notice and administrative hearing, there is an administrative finding that the holder  
310 violated a term or condition of the authorization.

311           (b) If a holder of an authorization rectifies the violation that formed the basis of the  
312 director's suspension under Subsection (5)(a), the director may terminate the suspension.

313           (6) The director may order an immediate temporary suspension before a hearing or  
314 final administrative finding if the director determines that a suspension is necessary to protect:

315           (a) health or safety; or

316           (b) the environment.

317           (7) Use of public land pursuant to a general authorization under this section shall be  
318 limited to areas where the use is consistent with the applicable land use plans prepared  
319 pursuant to Section [63L-8-202](#).

320           (8) A general authorization for the use of public land shall be subject to:

321           (a) a requirement that the using party shall be responsible for any necessary cleanup  
322 and decontamination of the land used; and

323           (b) terms and conditions, including restrictions on use of off-road or all-terrain  
324 vehicles, as the director deems appropriate.

325           (9) A general authorization issued pursuant to this section:

326           (a) may not be for a term exceeding five years; and

327           (b) shall be revoked in whole or in part, as the director finds necessary, upon a  
328 determination by the director that:

329           (i) there has been a failure to comply with its terms and conditions; or

330           (ii) activities permitted by the authorization have had, or might have, a significant  
331 adverse impact on the resources or values of the affected lands.

332           (10) Each specific use of a particular area of public land pursuant to a general  
333 authorization under this section is subject to:

334           (a) specific authorization by the director; and

335           (b) appropriate terms and conditions, as described in this section.

336 (11) An authorization under this section may not authorize the construction of  
337 permanent structures or facilities on the public land.

338 (12) No one may use or occupy public land without appropriate authorization.

339 Section 13. Section **63L-8-304** is enacted to read:

340 **63L-8-304. Enforcement authority.**

341 (1) The director shall issue rules as necessary to implement the provisions of this  
342 chapter with respect to the management, use, and protection of the public land and property  
343 located on the public land.

344 (2) At the request of the director, the attorney general may institute a civil action in a  
345 district court for an injunction or other appropriate remedy to prevent any person from utilizing  
346 public land in violation of this chapter or rules issued by the director under this chapter.

347 (3) The use, occupancy, or development of any portion of the public land contrary to  
348 any rule issued by the DLM in accordance with this chapter, and without proper authorization,  
349 is unlawful and prohibited.

350 (4) (a) Except as provided in Subsections (4)(b) and (c), the local county sheriff is the  
351 primary law enforcement authority with jurisdiction on public land to enforce this chapter and  
352 rules issued by the director pursuant to Subsection (1).

353 (b) The director may employ and utilize within the DLM certified peace officers that, if  
354 and when deployed, will be the primary law enforcement authority with jurisdiction on public  
355 land to enforce this chapter and rules issued pursuant to Subsection (1).

356 (c) Conservation officers employed by the Division of Wildlife Resources are the  
357 primary law enforcement authority with jurisdiction on public land to enforce the laws and  
358 regulations under Title 23, Wildlife Resources Code of Utah, for the sake of protected wildlife.

359 (d) Nothing herein shall be construed as enlarging or diminishing the responsibility or  
360 authority of a state certified peace officer in performing the officer's duties on public land.

361 Section 14. Section **63L-8-305** is enacted to read:

362 **63L-8-305. Fees, charges, and commissions.**

363 (1) The director may establish reasonable filing and service fees with respect to

364 applications and other documents relating to the public land, in accordance with Section  
365 63J-1-504.

366 (2) The director is authorized to require a deposit of any payments intended to  
367 reimburse the state for reasonable costs with respect to applications and other documents  
368 relating to such land.

369 (3) The money received under this subsection shall be:

370 (a) deposited in the Public Land Management Fund created in Section 63L-8-308; and

371 (b) authorized to be appropriated and made available until expended.

372 (4) (a) As used in this section "reasonable costs" include:

373 (i) the costs of special studies;

374 (ii) environmental reviews;

375 (iii) monitoring construction, operation, maintenance, and termination of any  
376 authorized facility; or

377 (iv) other special activities.

378 (b) In determining whether costs are reasonable, the director may take into  
379 consideration:

380 (i) actual costs, exclusive of management overhead;

381 (ii) the monetary value of the rights or privileges sought by the applicant;

382 (iii) the efficiency of the government processing involved;

383 (iv) that portion of the cost incurred for the benefit of the general public interest rather  
384 than for the exclusive benefit of the applicant;

385 (v) the public service provided; and

386 (vi) other factors relevant to determining the reasonableness of the costs.

387 Section 15. Section **63L-8-306** is enacted to read:

388 **63L-8-306. Availability of excess fees.**

389 All fees authorized by this chapter, excluding mining claim fees, not otherwise  
390 dedicated by law for a specific distribution shall:

391 (1) be deposited in the Public Land Management Fund created in Section 63L-8-308;

392 and

393 (2) remain available until expended.

394 Section 16. Section **63L-8-307** is enacted to read:

395 **63L-8-307. Public Land Protection Fund -- Forfeitures and deposits.**

396 (1) There is created an expendable special revenue fund known as the "Public Land  
397 Protection Fund."

398 (2) The fund shall consist of:

399 (a) money appropriated by the Legislature;

400 (b) money received by the state as a result of:

401 (i) the forfeiture of a bond or other security by a resource developer or purchaser or  
402 permittee who does not fulfill the requirements of a contract or permit or does not comply with  
403 rules issued under this chapter; or

404 (ii) a compromise or settlement of any claim involving present or potential damage to  
405 the public land;

406 (c) money voluntarily donated or contributed to the fund; and

407 (d) interest earned on money in the fund.

408 (3) The DLM may expend money in the fund to cover the cost of any improvement,  
409 protection, or rehabilitation work on public land, which is rendered necessary by the action that  
410 led to a forfeiture, compromise, or settlement.

411 (4) If the director finds that any portion of a deposit or amount forfeited under this  
412 chapter is in excess of the cost of doing the work authorized under this chapter, the director  
413 may issue a refund of the amount in excess to be made from applicable funds.

414 Section 17. Section **63L-8-308** is enacted to read:

415 **63L-8-308. Public Land Management Fund.**

416 (1) There is created an expendable special revenue fund known as the "Public Land  
417 Management Fund."

418 (2) The fund shall consist of:

419 (a) fees collected by the DLM under this chapter;

420 (b) money appropriated to the fund by the Legislature;

421 (c) money collected under Section 63L-8-505;

422 (d) money voluntarily donated or contributed to the fund; and

423 (e) interest earned on the fund.

424 (3) The DLM may expend money in the fund on:

425 (a) administration costs;

426 (b) project planning;

427 (c) a payment authorized by this chapter; and

428 (d) other duties required under this chapter.

429 (4) The DLM shall annually expend money in the fund to pay a county in lieu of taxes

430 the county cannot levy on public land owned by the state:

431 (a) in an amount no less than the highest amount ever fully authorized by Congress for

432 payment to the county under the federal Payments in Lieu of Taxes and Secure Rural Schools

433 programs, according to the most recent federal formulas before the effective date of this

434 chapter, as described in Section 63L-8-602; and

435 (b) as funding allows.

436 Section 18. Section 63L-8-309 is enacted to read:

437 **63L-8-309. Timber Fund.**

438 (1) There is created an expendable special revenue fund known as the "Timber Fund."

439 (2) The fund described in Subsection (1) shall consist of:

440 (a) money received from the disposal of timber prepared for sale from public lands;

441 (b) money voluntarily donated or contributed to the fund; and

442 (c) interest earned on the fund.

443 (3) The DLM may expend money in the fund for the purposes of:

444 (a) planning and preparing timber for disposal;

445 (b) the administration of timber sales;

446 (c) site preparation and reforestation;

447 (d) wildfire suppression and rehabilitation on forested public land; and



448 (e) overhead and direct costs associated with timber management.

449 Section 19. Section **63L-8-310** is enacted to read:

450 **63L-8-310. Grazing Land Fund.**

451 (1) There is created an expendable special revenue fund known as the "Grazing Land  
452 Fund."

453 (2) The fund shall consist of:

454 (a) money received from grazing fees, as described in Section [63L-8-402](#);

455 (b) money voluntarily donated or contributed to the fund; and

456 (c) interest earned on the fund.

457 (3) The DLM may expend money in the fund for:

458 (a) on-the-ground range rehabilitation, protection, and improvements on public land  
459 that is grazed;

460 (b) seeding and reseeding;

461 (c) fence construction;

462 (d) weed control;

463 (e) water development;

464 (f) fish and wildlife habitat enhancement;

465 (g) wildfire suppression; and

466 (h) overhead and direct costs associated with rangeland and grazing management.

467 Section 20. Section **63L-8-311** is enacted to read:

468 **63L-8-311. Implementation provisions.**

469 (1) (a) The director may conduct investigations, studies, and experiments involving the  
470 management, protection, development, acquisition, and transfer of public land.

471 (b) The director may work with other departments, agencies, or political subdivisions  
472 in conducting an investigation, study, or experiment, as described in Subsection (1)(a).

473 (c) (i) Where an investigation, study, or experiment described in Subsection (1)(a)  
474 finds that the transfer of a tract of public land in excess of 200 acres would promote economic  
475 land management or serve an important public interest, including the expansion of

476 communities and economic development, the director shall recommend the transfer to the  
477 Natural Resources, Agriculture, and Environment Interim Committee and include the basis for  
478 the recommendation.

479 (ii) No transfer of a tract of public land in excess of 200 acres may be authorized until  
480 approved by the Legislature and the governor.

481 (2) The director may enter into contracts and cooperative agreements involving the  
482 management, protection, and development of public land.

483 (3) (a) The director may accept voluntary contributions or donations of money,  
484 services, and real or personal property for:

485 (i) the management, protection, and development of public land, including the  
486 acquisition of rights-of-way;

487 (ii) any purpose described in Sections [63L-8-307](#), [63L-8-308](#), [63L-8-309](#), and  
488 [63L-8-310](#); or

489 (iii) cadastral surveying performed on public land and intermingled land.

490 (b) The director shall deposit any money donated or contributed under this section in  
491 the account designated by the donor or, if not specified, in the Public Land Management Fund  
492 created in Section [63L-8-308](#).

493 Section 21. Section **63L-8-312** is enacted to read:

494 **63L-8-312. Annual reports.**

495 (1) The director shall:

496 (a) prepare a report on the public land in accordance with Subsection (2); and

497 (b) submit the report to the Natural Resources, Agriculture, and Environment Interim  
498 Committee no later than October 31 annually.

499 (2) A list of programs and specific information to be included in the report described in  
500 Subsection (1) shall be developed by the Natural Resources, Agriculture, and Environment  
501 Interim Committee before the end of each fiscal year.

502 Section 22. Section **63L-8-401** is enacted to read:

503 **Part 4. Range Management**

504 63L-8-401. Title.

505 This part is known as "Range Management."

506 Section 23. Section **63L-8-402** is enacted to read:

507 **63L-8-402. Grazing fees -- Feasibility study -- Contents -- Submission of report --**  
508 **Annual distribution and use of range betterment funds -- Nature of distributions.**

509 (1) The Legislature finds that, as of 2016, a substantial amount of the rangelands on the  
510 public land is deteriorating in quality due to federal mismanagement, and that installation of  
511 additional range improvements could arrest much of the continuing deterioration and lead to  
512 substantial betterment of forage conditions with resulting benefits to wildlife, watershed  
513 protection, and livestock production.

514 (2) The director, in consultation with the commissioner, shall:

515 (a) conduct a study to determine necessary range improvements on public land; and

516 (b) establish a fee, in accordance with Section [63J-1-504](#), to be charged for domestic  
517 livestock grazing on public land that is equitable to the:

518 (i) state and the state's citizens; and

519 (ii) holders of grazing permits and leases on rangeland.

520 (3) The director shall report the result of the study described in Subsection (2)(a) to the  
521 Natural Resources, Agriculture, and Environment Interim Committee, together with  
522 recommendations to implement a reasonable grazing fee schedule.

523 (4) (a) Fifty percent of all money received by the state as fees for grazing domestic  
524 livestock on public land shall be deposited into the Grazing Land Fund created in Section  
525 [63L-8-310](#).

526 (b) Fifty percent of money received by the state as fees for grazing domestic livestock  
527 on the public land shall be deposited into the Public Land Management Fund created in Section  
528 [63L-8-308](#).

529 Section 24. Section **63L-8-403** is enacted to read:

530 **63L-8-403. Grazing permits and leases.**

531 (1) (a) Except as provided in Subsection (2), permits and leases for domestic livestock

532 grazing on public land issued by the director may not exceed a term of five years, subject to  
533 terms and conditions the director determines to be appropriate and consistent with this chapter.

534 (b) The director shall have authority to cancel, suspend, or modify a grazing permit or  
535 lease, in whole or in part:

536 (i) pursuant to the terms and conditions of the permit or lease;

537 (ii) for any violation of:

538 (A) this chapter or a grazing rule implemented under this chapter; or

539 (B) any term or condition of the grazing permit or lease; or

540 (iii) to protect rangeland health from overutilization pursuant to Subsection (7).

541 (2) The holder of an expiring permit or lease shall be given first priority for receipt of  
542 the new permit or lease, provided:

543 (a) the land for which the permit or lease is issued remains available for domestic  
544 livestock grazing in accordance with a land use plan prepared pursuant to Section [63L-8-202](#);

545 (b) the permittee or lessee is in compliance with:

546 (i) the provisions of this chapter and the grazing rules issued by the DLM, in  
547 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

548 (ii) the terms and conditions in the permit or lease specified by the director;

549 (c) the permittee or lessee accepts the terms and conditions included by the director in  
550 the new permit or lease; and

551 (d) range conditions on the tract of public land are sufficient to support continued  
552 livestock grazing, as determined by the director pursuant to Subsection (7).

553 (3) All permits and leases for domestic livestock grazing issued under this part may be  
554 incorporated in an allotment management plan developed by the director.

555 (4) (a) If the director elects to develop an allotment management plan for a given area,  
556 the director shall do so in consultation, cooperation, and coordination with:

557 (i) the lessees, permittees, and landowners involved;

558 (ii) the commissioner;

559 (iii) the State Grazing Advisory Board established under Section [4-20-1.5](#); and

560 (iv) the political subdivision having land within the area covered by the proposed  
561 allotment management plan.

562 (b) An allotment management plan shall be:

563 (i) tailored to the specific range condition of the area covered by the plan; and

564 (ii) reviewed on a periodic basis to determine:

565 (A) the efficacy of the plan in improving range conditions on the involved land; and

566 (B) whether the land can be better managed.

567 (5) The director may revise or terminate plans, or develop new plans, after review and  
568 consideration, consultation, cooperation, and coordination with the parties listed in Subsection  
569 (4)(a).

570 (6) (a) In all cases where the director has not completed an allotment management plan  
571 or determines that an allotment management plan is not necessary for management of livestock  
572 operations, the director shall incorporate in grazing permits and leases all necessary terms and  
573 conditions for the appropriate management of the permitted or leased land.

574 (b) The director, in consultation with the commissioner:

575 (i) shall specify the number of animals to be grazed and the seasons of use; and

576 (ii) may reexamine the condition of the range and forage utilization at any time.

577 (7) If the director finds that the condition of the range requires adjustment in the  
578 amount or other aspect of grazing use, the permittee or lessee shall adjust the permittee or  
579 lessee's use to the extent required by the director.

580 (8) An allotment management plan may not refer to livestock operations or range  
581 improvements on non-public land, except where the non-public land is intermingled with  
582 public land and the consent of the owner of the non-public land and the permittee or lessee  
583 involved with the plan is obtained.

584 (9) (a) Whenever a permit or lease for grazing domestic livestock on public land is  
585 canceled, in whole or in part, in order to devote the land covered by the permit or lease to  
586 another public purpose, the permittee or lessee shall receive from the state reasonable  
587 compensation for the adjusted value, to be determined by the director, of the permittee's or

588 lessee's interest in authorized permanent improvements placed or constructed by the permittee  
589 or lessee on lands covered by such permit or lease.

590 (b) The compensation described in Subsection (9)(a) may not exceed the fair market  
591 value of the terminated portion of the permittee's or lessee's interest.

592 (10) Except in cases of emergency, no permit or lease shall be canceled under this  
593 subsection without one year's notification.

594 Section 25. Section **63L-8-501** is enacted to read:

595 **Part 5. Rights-of-Way Authorization**

596 **63L-8-501. Title.**

597 This part is known as "Rights-of-Way Authorization."

598 Section 26. Section **63L-8-502** is enacted to read:

599 **63L-8-502. Rights-of-way for roads or facilities.**

600 (1) If the state receives title to public land from the federal government, the director  
601 shall, subject to Subsection (2), honor all:

602 (a) pre-existing rights-of-way granted to individuals, corporations, or political  
603 subdivisions, subject to Subsection (2); and

604 (b) rights-of-way asserted in quiet title lawsuits filed by the state or a county in federal  
605 court prior to taking ownership of the subject property.

606 (2) If the director determines it is in the best interest of the state, the director may  
607 modify the fees, if any, charged to the holder of a right-of-way.

608 Section 27. Section **63L-8-503** is enacted to read:

609 **63L-8-503. Grant, issue, or renewal of land use authorizations on public lands.**

610 (1) The director is authorized to grant, issue, or renew land use authorizations over,  
611 upon, under, or through public land for:

612 (a) a reservoir, canal, ditch, flume, lateral, pipe, pipeline, tunnel, or other facility or  
613 system for the impoundment, storage, transportation, or distribution of water;

614 (b) a pipeline or other system for the transportation or distribution of:

615 (i) liquid and gas other than water;

- 616           (ii) natural gas, synthetic liquid, or gaseous fuels; or
- 617           (iii) a refined product produced from natural gas, synthetic liquid, or gaseous fuels;
- 618           (c) a storage or terminal facility in connection with the pipeline and other system
- 619 described in Subsection (1)(b);
- 620           (d) a pipeline, slurry and emulsion system, conveyor belt for transportation and
- 621 distribution of solid materials, or facility for the storage of solid materials in connection with a
- 622 pipeline, slurry and emulsion system, or conveyor belt;
- 623           (e) a system for generation, transmission, and distribution of electric energy, if the
- 624 applicant is in compliance with relevant state and federal requirements;
- 625           (f) a system for transmission or reception of radio, television, telephone, telegraph,
- 626 Internet, or other electronic signal used in communication;
- 627           (g) a road, trail, highway, railroad, canal, tunnel, tramway, airway, livestock driveway,
- 628 or other means of transportation, except where facilities are constructed and maintained in
- 629 connection with commercial recreation facilities on lands in the state park system; or
- 630           (h) other necessary transportation systems or facilities that are in the public interest and
- 631 that require rights-of-way over, upon, under, or through public land.
- 632           (2) The director shall require, before granting, issuing, or renewing a right-of-way, that
- 633 the applicant submit and disclose plans, contracts, agreements, or other information reasonably
- 634 related to the use, or intended use, of the right-of-way, that the director considers necessary for
- 635 a determination on:
- 636           (a) whether a right-of-way shall be granted, issued, or renewed; and
- 637           (b) the terms and conditions that should be included in the right-of-way.
- 638           (3) After the state receives title to public land, any alteration to the substantive terms of
- 639 a right-of-way, lease, or other authorization granted before the transfer of the land shall require
- 640 issuance of a new authorization.
- 641           (4) (a) Except as otherwise provided in this part, the director may, in accordance with
- 642 Section [63L-8-509](#), terminate or suspend a right-of-way, easement, or authorization issued
- 643 under this section, except for the road rights-of-way granted pursuant to Subsection (1)(b).

644 (b) An easement issued under this section may be terminated by the DLM without  
645 cause if the water system for which the easement was issued is used for any purpose other than  
646 agricultural irrigation, livestock watering, industrial use, or private or public culinary use.

647 (5) For purposes of this chapter, non-use for a continuous five-year period of a water  
648 system developed for agricultural irrigation, livestock watering, or private or public culinary  
649 purposes shall constitute a rebuttable presumption of abandonment of the easement and the  
650 facilities comprising the water system.

651 (6) Except as provided in Title 73, Water and Irrigation, nothing in this part shall  
652 confer on the director or other state official any power or authority to regulate or control the  
653 appropriation, diversion, or use of water for any purpose, or to require the conveyance or  
654 transfer to the state of any right or claim to the appropriation, diversion, or use of water.

655 (7) If a right-of-way issued under this section deteriorates to the point of threatening a  
656 person or property, and the holder of the right-of-way, after consultation with the director,  
657 refuses to perform the repair and maintenance necessary to remove the threat, the director may:

658 (a) (i) undertake such repair and maintenance on the right-of-way; and

659 (ii) assess the holder for the costs of the repair and maintenance; or

660 (b) suspend or terminate the right-of-way pursuant to Section [63L-8-509](#).

661 Section 28. Section **63L-8-504** is enacted to read:

662 **63L-8-504. Roads.**

663 (1) The director, with respect to public land, is authorized to provide for the  
664 authorization, construction, and maintenance of new and necessary roads within the public land  
665 that will permit utilization of the natural resources on such land, including the seven principal  
666 or major uses described in Section [63L-8-103](#).

667 (2) The roads described in Subsection (1) shall be constructed to standards sufficient to  
668 provide for the safety of the authorized users of the road, and to protect the environment to the  
669 best available management standards applicable.

670 (3) Financing of the roads described in Subsection (1) may be accomplished by:

671 (a) the director utilizing appropriated funds;



672 (b) requirements on authorized users of the natural resources and other products from  
673 the public land, including provisions for amortization of road costs in contracts;

674 (c) cooperative financing with other public agencies and with private agencies or  
675 persons; or

676 (d) a combination of these methods, provided that:

677 (i) where roads of a higher standard than that needed for harvesting or removing  
678 natural resources and other products from public land covered by a particular sale are to be  
679 constructed, the authorized user may not be required to bear that part of the costs necessary to  
680 meet such higher standard; or

681 (ii) when natural resource products are offered with the condition that the purchaser  
682 build a road or roads in accordance with standards specified in the offer, the authorized user is  
683 responsible for paying the full costs of road construction.

684 Section 29. Section **63L-8-505** is enacted to read:

685 **63L-8-505. Maintenance of facilities.**

686 (1) (a) The director may require a user of a road, trail, land, or other facility  
687 administered by the DLM, or authorized by a DLM issued land use authorization, to:

688 (i) maintain facilities in a satisfactory condition commensurate with the particular use  
689 requirements of each; or

690 (ii) reconstruct the facility when the reconstruction is determined necessary to  
691 accommodate use.

692 (b) If maintenance or reconstruction cannot be provided, or if the director determines  
693 that maintenance or reconstruction by a user would not be practical, the director may require  
694 that sufficient funds be deposited by the user to provide the user's portion of the total  
695 maintenance or reconstruction.

696 (2) Whenever the director obtains money for use on, or in connection with, a new or  
697 existing road or the right to use such roads, the money shall be placed in the Public Land  
698 Management Fund created in Section [63L-8-308](#).

699 Section 30. Section **63L-8-506** is enacted to read:

700           **63L-8-506. Right-of-way corridors -- Criteria and procedures applicable for**  
701 **designation.**

702           (1) Utilization of a right-of-way in common is suggested to the extent practical in order  
703 to minimize adverse environmental impacts and the proliferation of separate rights-of-way.

704           (2) In designating a right-of-way corridor, the director shall take into consideration:

705           (a) national, state, and local land use policies;

706           (b) environmental quality;

707           (c) economic efficiency;

708           (d) national security;

709           (e) safety;

710           (f) good engineering and technological practices; and

711           (g) wildlife and wildlife habitat impacts.

712           (3) The director shall issue rules in accordance with Title 63G, Chapter 3, Utah  
713 Administrative Rulemaking Act, containing the criteria and procedures the DLM shall use in  
714 designating such a corridor.

715           (4) An existing transportation or utility corridor may be designated as a transportation  
716 or utility corridor without further review.

717           Section 31. Section **63L-8-507** is enacted to read:

718           **63L-8-507. General requirements.**

719           (1) (a) Each land use authorization granted, issued, or renewed shall be limited to a  
720 reasonable term in light of all circumstances concerning the project, not exceeding 5 years.

721           (b) In determining the duration of a land use authorization, the director shall:

722           (i) take into consideration the cost of the facility, the facility's useful life, and any  
723 public purpose the facility serves; and

724           (ii) specify whether the land use authorization is or is not renewable and the terms and  
725 conditions applicable to the renewal.

726           (2) A land use authorization shall be granted, issued, or renewed:

727           (a) pursuant to this chapter;

728 (b) consistent with rules issued by the DLM in accordance with Title 63G, Chapter 3,  
729 Utah Administrative Rulemaking Act; and

730 (c) subject to such terms and conditions as the director prescribes regarding extent,  
731 duration, survey, location, construction, maintenance, transfer or assignment, and termination.

732 (3) Before granting or issuing a land use authorization pursuant to this part for a new  
733 project that may have a significant impact on the environment, the director shall require the  
734 applicant to submit a plan of construction, operation, mitigation, and rehabilitation for the land  
735 use authorization.

736 (4) The director shall issue rules, in accordance with Title 63G, Chapter 3, Utah  
737 Administrative Rulemaking Act, with respect to the terms and conditions that will be included  
738 in a land use authorization.

739 (5) The director shall provide for cost-sharing agreements for the construction and  
740 maintenance of land use authorization facilities, pursuant to rules for such arrangements issued  
741 by the DLM.

742 (6) Money received for reimbursement of reasonable costs shall be:

743 (a) deposited into the Public Land Management Fund created in Section [63L-8-308](#);  
744 and

745 (b) authorized to be appropriated and made available until expended.

746 (7) (a) The director shall promulgate rules, in accordance with Title 63G, Chapter 3,  
747 Utah Administrative Rulemaking Act, specifying the extent to which a holder of a right-of-way  
748 may be liable to the state for damage or injury incurred by the state caused by the use and  
749 occupancy of the land use authorization.

750 (b) The rules described in Subsection (7)(a) shall also specify the extent to which a  
751 holder of a right-of-way shall indemnify or hold harmless the state for liabilities, damages, or  
752 claims caused by the use and occupancy of the right-of-way.

753 (8) The director may require a holder of a land use authorization to furnish a bond or  
754 other security to secure all or any of the obligations imposed by the terms and conditions of the  
755 right-of-way.

756 (9) The director may grant, issue, or renew a land use authorization under this part if  
757 the director is satisfied that the applicant has the technical and financial capability to construct  
758 the project for which the right-of-way is requested.

759 Section 32. Section **63L-8-508** is enacted to read:

760 **63L-8-508. Terms and conditions.**

761 Each land use authorization shall contain terms and conditions that:

762 (1) carry out the purposes of this chapter and rules issued under this chapter in  
763 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

764 (2) minimize damage to scenic and esthetic values, fish and wildlife habitat, and  
765 otherwise protect the environment;

766 (3) require compliance with applicable air and water quality standards established by  
767 applicable federal or state law;

768 (4) require compliance with state standards for public health and safety, environmental  
769 protection, siting, construction, operation, and maintenance of or for rights-of-way for similar  
770 purposes if those standards are more stringent than applicable federal standards; and

771 (5) are necessary to:

772 (a) protect state property and economic interests;

773 (b) efficiently manage the land that is subject to the land use authorization; and

774 (c) protect the other lawful users of the lands adjacent to or traversed by the land that is  
775 subject to the land use authorization.

776 Section 33. Section **63L-8-509** is enacted to read:

777 **63L-8-509. Suspension or termination -- Grounds -- Procedures applicable.**

778 (1) The following are grounds for suspension or termination of a land use  
779 authorization:

780 (a) abandonment; or

781 (b) noncompliance with:

782 (i) a provision of this chapter;

783 (ii) an applicable rule established by the DLM in accordance with Title 63G, Chapter 3,

784 Utah Administrative Rulemaking Act; or  
785 (iii) a term or condition of the land use authorization.  
786 (2) The director may terminate or suspend a land use authorization by providing notice  
787 to the land use authorization holder and, if required, an administrative proceeding, upon finding  
788 that:  
789 (a) a condition described in Subsection (1) has been met; and  
790 (b) the suspension or termination serves the best interest of:  
791 (i) the citizens of the state; or  
792 (ii) a land use plan established pursuant to Section [63L-8-202](#).  
793 (3) The administrative proceeding described in Subsection (2):  
794 (a) shall be conducted according to rules established by the DLM, in accordance with  
795 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
796 (b) shall comply with Title 63G, Chapter 4, Administrative Procedures Act; and  
797 (c) is not required if the land use authorization, by its terms, terminates on the  
798 occurrence of a fixed or agreed-upon condition, event, or time.  
799 (4) If the director determines that an immediate temporary suspension of activities  
800 within a land use authorization for violation of its terms and conditions is necessary to protect  
801 public health or safety or the environment, the director may abate the activities before an  
802 administrative proceeding.  
803 (5) Before commencing a proceeding to suspend or terminate a land use authorization,  
804 the director shall give written notice to the holder of the grounds for suspension or termination.  
805 (6) (a) Except as provided in Subsection (6)(b), failure of the land use authorization  
806 holder to use the right-of-way for the purpose for which it was granted, issued, or renewed, for  
807 any continuous five-year period, shall constitute a rebuttable presumption of abandonment of  
808 the right-of-way.  
809 (b) Where the failure of the holder to use the land use authorization for the purpose for  
810 which it was granted, issued, or renewed for any continuous five-year period is due to  
811 circumstances beyond the holder's control, the director is not required to commence

812 proceedings to suspend or terminate the right-of-way.

813 Section 34. Section **63L-8-510** is enacted to read:

814 **63L-8-510. Rights-of-way for state departments and agencies.**

815 The director may issue a land use authorization upon or under public land to a  
816 department or agency of the state, subject to such terms and conditions as the director imposes.

817 Section 35. Section **63L-8-511** is enacted to read:

818 **63L-8-511. Applicability.**

819 (1) No land use authorization shall be granted, issued, or renewed over, upon, under, or  
820 through public land, except as described in this part.

821 (2) Nothing in this part shall be construed to preclude the use of public land covered by  
822 this section for a highway purpose.

823 Section 36. Section **63L-8-601** is enacted to read:

824 **Part 6. Contingent Effective Date**

825 **63L-8-601. Title.**

826 This part is known as "Contingent Effective Date."

827 Section 37. Section **63L-8-602** is enacted to read:

828 **63L-8-602. Effective date.**

829 This chapter becomes effective upon the day the state receives title to at least 100,000  
830 acres of public land from the federal government pursuant to Section [63L-6-103](#).

831 Section 38. Section **79-2-201** is amended to read:

832 **79-2-201. Department of Natural Resources created.**

833 (1) There is created the Department of Natural Resources.

834 (2) The department comprises the following:

835 (a) Board of Water Resources, created in Section [73-10-1.5](#);

836 (b) Board of Oil, Gas, and Mining, created in Section [40-6-4](#);

837 (c) Board of Parks and Recreation, created in Section [79-4-301](#);

838 (d) Wildlife Board, created in Section [23-14-2](#);

839 (e) Board of the Utah Geological Survey, created in Section [79-3-301](#);

- 840 (f) Water Development Coordinating Council, created in Section [73-10c-3](#);
- 841 (g) Division of Water Rights, created in Section [73-2-1.1](#);
- 842 (h) Division of Water Resources, created in Section [73-10-18](#);
- 843 (i) Division of Forestry, Fire, and State Lands, created in Section [65A-1-4](#);
- 844 (j) Division of Oil, Gas, and Mining, created in Section [40-6-15](#);
- 845 (k) Division of Parks and Recreation, created in Section [79-4-201](#);
- 846 (l) Division of Wildlife Resources, created in Section [23-14-1](#);
- 847 (m) Division of Land Management, created in Section [79-6-102](#);
- 848 [~~m~~] (n) Utah Geological Survey, created in Section [79-3-201](#);
- 849 [~~n~~] (o) Heritage Trees Advisory Committee, created in Section [65A-8-306](#);
- 850 [~~o~~] (p) Recreational Trails Advisory Council, authorized by Section [79-5-201](#);
- 851 [~~p~~] (q) Boating Advisory Council, authorized by Section [73-18-3.5](#);
- 852 [~~q~~] (r) Wildlife Board Nominating Committee, created in Section [23-14-2.5](#); and
- 853 [~~r~~] (s) Wildlife Regional Advisory Councils, created in Section [23-14-2.6](#).

854 Section 39. Section **79-6-101** is enacted to read:

**CHAPTER 6. DIVISION OF LAND MANAGEMENT**

855 **79-6-101. Title.**

856 This chapter is known as the "Division of Land Management."

857 Section 40. Section **79-6-102** is enacted to read:

858 **79-6-102. Creation of the Division of Land Management.**

859 (1) There is created a Division of Land Management within the Department of Natural  
860 Resources, created in Section [79-2-201](#).

861 (2) The division shall be staffed:

862 (a) upon the state receiving title to at least 100,000 acres of public land from the  
863 federal government pursuant to Section [63L-6-103](#);

864 (b) as funding is appropriated by the Legislature and allows; and

865 (c) as determined by the director of the Department of Natural Resources.

866 (3) The division may sue and be sued as required to carry out the purposes of this  
867

868 chapter and Title 63L, Chapter 8, Utah Public Land Management Act.

869 Section 41. Section **79-6-103** is enacted to read:

870 **79-6-103. Director.**

871 (1) Upon the requirements described in Subsection 79-6-102(2) being fulfilled, the  
872 executive director of the Department of Natural Resources shall appoint a director of the  
873 Division of Land Management, and thereafter hire personnel to staff the division.

874 (2) The director shall:

875 (a) be the executive and administrative head of the Division of Land Management;

876 (b) have demonstrated ability and experience in the administration and management of  
877 state or federal lands; and

878 (c) not hold any other public office or be involved in a political party or organization.

879 (3) The director of the Division of Land Management, under administrative direction  
880 of the executive director, shall have:

881 (a) executive authority and control of the Division of Land Management; and

882 (b) authority over all personnel matters.

883 Section 42. Section **79-6-104** is enacted to read:

884 **79-6-104. Public Land Management Advisory Board.**

885 (1) There is created the Public Land Management Advisory Board.

886 (2) The board consists of the following 11 members:

887 (a) the lieutenant governor, or the lieutenant governor's designee;

888 (b) one representative, appointed by the governor, who represents the interests of oil,  
889 gas, and mining;

890 (c) one representative, appointed by the governor, who represents the interests of  
891 agriculture;

892 (d) one representative, appointed by the governor, who represents the interests of  
893 outdoor recreation;

894 (e) one representative, appointed by the governor, who represents the interests of  
895 environmental groups;



- 896 (f) three representatives, appointed by the governor, who represent the interests of  
897 county commissioners;
- 898 (g) one representative, appointed by the governor, who represents the interests of rural  
899 transportation;
- 900 (h) one representative, appointed by the governor, who represents the interests of  
901 wildlife management; and
- 902 (i) one representative, appointed by the governor, who represents the interests of forest  
903 management.
- 904 (3) (a) Members shall be appointed for a term of four years.
- 905 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
906 time of appointment or reappointment, adjust the length of terms of the members described in  
907 Subsections (2)(b) through (i) to ensure that the terms of board members are staggered so that  
908 half of the appointed board is appointed every two years.
- 909 (4) A member may serve more than one term.
- 910 (5) A member shall hold office until the expiration of the member's term and until the  
911 member's successor is appointed, but not more than 90 days after the expiration of the  
912 member's term.
- 913 (6) When a vacancy occurs in the membership for any reason, a replacement shall be  
914 appointed for the unexpired term.
- 915 (7) The board shall elect annually a chair and a vice chair from the board's members.
- 916 (8) (a) The board shall meet at least quarterly.
- 917 (b) Special meetings may be called by the chair upon the chair's own initiative, upon  
918 the request of the director, or upon the request of three members of the board.
- 919 (c) Three days' notice shall be given to each member of the board before a meeting.
- 920 (9) Six members constitute a quorum at a meeting, and the action of a majority of  
921 members present is the action of the board.
- 922 (10) A member may not receive compensation or benefits for the member's service, but  
923 may receive per diem and travel expenses in accordance with:

924            (a) Section [63A-3-106](#);  
925            (b) Section [63A-3-107](#); and  
926            (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
927 [63A-3-107](#).  
928            Section 43. Section **79-6-105** is enacted to read:  
929            **79-6-105. Division of Land Management duties.**  
930            Under the direct supervision of the executive director and in consultation with the  
931 board, the division shall manage and administer all public land, as defined in Section  
932 [63L-8-102](#), consistent with the procedures, policies, and directives in Title 63L, Chapter 8,  
933 Utah Public Land Management Act.