

**UTAH LANDS PROTECTION ACT**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Fred C. Cox**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to the regulation of state lands.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ prohibits the Division of Forestry, Fire, and State Lands from materially changing the management of or selling certain sovereign lands; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**65A-1-1**, as last amended by Laws of Utah 2009, Chapter 344

**65A-10-1**, as last amended by Laws of Utah 1994, Chapter 294

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

Section 1. Section **65A-1-1** is amended to read:

**65A-1-1. Definitions.**



28 As used in this title:

29 (1) "Advisory council" or "council" means the Forestry, Fire, and State Lands Advisory  
30 Council.

31 (2) "Division" means the Division of Forestry, Fire, and State Lands.

32 (3) "Multiple use" means the management of various surface and subsurface resources  
33 in a manner that will best meet the present and future needs of the people of this state.

34 (4) "Public trust assets" means those lands and resources, including sovereign lands,  
35 administered by the division.

36 (5) ~~Ĥ→~~ [(a)] ~~←Ĥ~~ "Sovereign lands" means those lands;

37 ~~Ĥ→~~ (a) ~~←Ĥ~~ (i) lying below the ordinary high water mark of navigable bodies of  
37a water at the date of

38 statehood ~~Ĥ→~~ [;] ~~←Ĥ~~ and

39 ~~Ĥ→~~ [(iii)] ~~←Ĥ~~ owned by the state by virtue of its sovereignty ~~Ĥ→~~ [including land  
39a previously claimed]

40 [by the federal government and] ; or

40a (ii) ~~←Ĥ~~ claimed by the state ~~Ĥ→~~ from the federal government ~~←Ĥ~~ through judgment,  
40b decree, purchase,

41 compact, exchange, gift, other conveyance, the United States Constitution, or other law.

42 (b) "Sovereign lands" does not include property owned by the federal government in  
43 accordance with the United States Constitution Article I, Section 8, Clause 17.

44 (6) "State lands" means all lands administered by the division.

45 (7) "Sustained yield" means the achievement and maintenance of high level annual or  
46 periodic output of the various renewable resources of land without impairment of the  
47 productivity of the land.

48 Section 2. Section **65A-10-1** is amended to read:

49 **65A-10-1. Authority of division to manage sovereign lands.**

50 (1) The division is the management authority for sovereign lands, and may, except as  
51 provided in Subsection (3), exchange, sell, or lease sovereign lands but only in the quantities  
52 and for the purposes as serve the public interest and do not interfere with the public trust.

53 (2) Nothing in this section shall be construed as asserting state ownership of the beds  
54 of nonnavigable lakes, bays, rivers, or streams.

55 (3) For the following if sovereign lands, the division may not materially change the  
56 management policies from the management policies as of January 1, 2011, or sell:

57 (a) Arches National Park;

(b) Bryce Canyon National Park;

- 59           (c) Canyonlands National Park;
- 60           (d) Capitol Reef National Park; and
- 61           (e) Zion National Park.

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**Legislative Review Note**  
**as of 2-22-11 12:23 PM**

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 380

SHORT TITLE: **Utah Lands Protection Act**

SPONSOR: **Cox, F.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.