

## **R657. Natural Resources, Wildlife Resources.**

### **R657-61. Acquisition, Disposal, and Exchange of Real Property.**

#### **R657-61-1. Purpose and Authority.**

Pursuant to Utah Code Sections 79-2-403, 23A-2-203, 23A-6-201, and 23A-6-205, this rule defines the process by which the division may acquire, dispose of, and exchange real property, and ensure that the value of the real property is congruent with the proposed price and other terms of the acquisition, disposal, or exchange.

#### **R657-61-3. Acquisition of Real Property.**

- (1) The division may acquire real property for authorized activities of the division, including:
  - (a) to protect and enhance wildlife populations;
  - (b) to provide the public the opportunity to hunt, trap, or fish; and
  - (c) to conserve, protect, and enhance wildlife habitat.
- (2) When acquiring real property, the division shall determine the fair market value in the form of an appraisal and an appraisal review assignment to verify the real property's value.
  - (a) The appraisal and appraisal review assignment shall be completed by a state-certified general appraiser, and ~~complaint~~compliant with the Uniform Standards of Professional Appraisal Practice (USPAP).
  - (b) The division may obtain an appraisal and appraisal review assignment compliant with the Uniform Appraisal Standards for Federal Land Acquisitions, commonly known as Yellow Book, if the division is utilizing federal funds for the acquisition.
- (3) Subsection (2) does not apply to the acquisition of real property if:
  - (a) the value of the real property is less than \$100,000, per Subsection 79-2-403(3)(b), as estimated by the division;
  - (b) the asking price for the real property is considerably below fair market value, as estimated by the division;
  - (c) the asking price for the real property is reasonable based upon a value estimated by the division and the division may lose the opportunity to acquire the real property if time is taken to conduct an appraisal and appraisal review assignment;
  - (d) an appraisal has been conducted on the real property within the past 12 months;
  - (e) the real property is a gift, contribution, or donation to the division; or
  - (f) the real property is a right-of-way, easement, lease, or other less-than-fee title acquisition, excluding the acquisition of a conservation easement.
- (4) If any exceptions listed in Subsection (3) are used, the division shall create and keep a memo-to-file describing:
  - (a) an explanation of which exceptions are being utilized for the acquisition and why;
  - (b) the division's estimation of value; and
  - (c) the decision made by the division.
- (5) When acquiring real property, the division may not compensate more than the fair market value for the real property.
- (6) When acquiring title to real property held in private ownership, the division shall comply with Sections 23A-6-202 and 23A-6-203.

#### **R657-61-4. Disposal of Real Property.**

- (1) The division may dispose of real property when the property no longer serves as wildlife habitat or for wildlife-related recreational opportunities, or when it is in the best interest of the division to do so. This Section does not apply to real property disposals of less-than-fee title interest such as easements and leases, which are subject to requirements under Rule R657-28.
- (2) If the real property is still serving as wildlife habitat or for wildlife-related recreational opportunities, but a disposal cannot be avoided, mitigation may be required in addition to compensation for fair market value. The division may require compensation for impacts of the disposal, based upon the following factors:
  - (a) number of acres impacted;
  - (b) species impacted;
  - (c) impacts to wildlife and wildlife habitat;
  - (d) impacts to public access; and
  - (e) impacts to public opportunities to engage in wildlife-related activities.
- (3) The division may not dispose of real property without first obtaining written approval of persons or entities, if any, holding contractual, funding or proprietary interests in the real property. Additional requirements may be necessary to obtain approval.
- (4) When disposing of real property, the division shall determine the fair market value in the form of an appraisal and an appraisal review assignment, to verify the real property's value.
  - (a) The appraisal and appraisal review assignment shall be completed by a state-certified general appraiser, and ~~complaint~~compliant with the Uniform Standards of Professional Appraisal Practice (USPAP).

(b) The division may obtain an appraisal and appraisal review assignment compliant with the Uniform Appraisal Standards for Federal Land Acquisitions, commonly known as Yellow Book, if the division utilized federal funds when the property was acquired.

(5) Subsection (4) does not apply to the disposal of real property if:

(a) The value of the real property is less than \$100,000, per Subsection 79-2-403(3)(b), as estimated by the division;

(b) The real property will be auctioned off or part of a bid process, in which the compensation will likely exceed the fair market value, as estimated by the division; or

(c) an appraisal has been conducted on the real property within the past 12 months;

(6) If any exceptions listed in Subsection (5) are used, the division shall create and keep a memo-to-file describing:

(a) an explanation of which exceptions are being utilized for the disposal and why;

(b) the division's estimation of value; and

(c) the decision made by the division.

(7) When disposing of real property, the division shall convey title through a quit claim deed.

(8) When disposing of real property, the division may not receive compensation less than the fair market value for the real property.

(9) When disposing of real property to private ownership, the division shall comply with Section 9-8a-404.

(10) When disposing of real property, the division shall comply with Subsection 63L-11-205(7)(d).

**KEY: wildlife, land sales, property values**

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