



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Department of Natural Resources

JOEL FERRY
Executive Director

Division of Wildlife Resources

J. SHIRLEY
Division Director

MEMORANDUM

Date: July 11, 2022

To: Wildlife Board and Regional Advisory Council Members

From: Chelsea Duke, Wildlife Lands Coordinator

Subject: **2022 Use of Division Lands rule (R657 -28) change recommendation**

The DWR's Habitat section has worked over the last several months to make changes to the Use of Division Lands rule (R657-28). The rule provides the standards and procedures for how we manage DWR lands, as well as the uses that take place on those properties. Below is a summary of the proposed changes and other pertinent information in the rule.

- Full restructure of the rule, condensing information by subject, and moving from 32 sections to 9 sections. Each subject now has their own section for improved flow and understanding.
- Removed obsolete or outdated practices from the entire rule.
- Added or modified several definitions to improve clarity, including lease, special use permit, termed easement, and wood product permit.
- Added a definition for motorized vehicle. This definition now includes electronic bicycles. The definition only includes Class II and Class III e-bikes, which have a throttle.
- Modified the unlawful uses section to remove all unlawful uses already covered in statute (Utah Code Section 23-21-7).
- Added additional language to unlawful uses that are not already described in Utah Code, such as posted closures, additional structures, and occupying Division lands for residential purposes.
- Modified the unlawful use of motorized vehicles except as authorized. Using the newly created definition for motorized vehicles, this unlawful use now includes e-bikes. This now puts the waterfowl management area rule and e-bikes policy in alignment with Division lands.



- Consolidated Domestic Livestock Grazing into one section. Restructured the section to improve clarity.
- Removed all contractual language from the Domestic Grazing section. This will help clarify expectations for applicants and the Division, and leave individual clauses for the final contract.
- Defined the solicitation procedure for the Division, added additional flexibility to improve how we solicit and how to select the best applicant.
- Consolidated wood products, seed harvesting, and extraction of sand, gravel, cinders and ornamental rock into one section called Saleable Products.
- Moved the Water section further down in the rule. Minor changes to language to be consistent through the rule.
- Removed the agricultural lease section and incorporated it into the Termed Easement and Lease section. All property rights are handled the same way, this consolidation will clarify expectations for the Division and applicants.
- Removed the step by step sections (R657-28-23 through -30) for right-of-way leases, leases and special use permits. Replaced them with individual sections for termed easements and leases, and special use permits, since they are handled very differently.
- Rewrote special use permit section to clarify expectations for applicants and the Division, making the process shorter and more straightforward. Detailed the application process, approval process and compensation requirements
- Added an option for a small late fee for applicants who do not turn in requests at least 30 days before their proposed activity.
- Rewrote termed easement and lease section to clarify expectations for applicants and the Division, making the process more in line with current processes. Clarified the application process, approval process and compensation requirements.
- Removed all language specific to each permit or agreement, giving the Division and the applicant the flexibility to address issues on a case-by-case basis.

