



State of Utah

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MEMORANDUM

Date: July 31, 2024

To: Wildlife Board and Regional Advisory Council Members

From: Chelsea Duke, Wildlife Lands Coordinator

Subject: R657-61 *Valuation of Real Property Interests for Purposes of Acquisition and Disposal* rule change recommendations

The DWR is recommending changes to Administrative Rule R657-61. The rule provides the standards and procedures for how the DWR may buy, sell or exchange land. Below is a summary of the proposed changes. If this recommendation passes, this would provide both DWR staff and the public with a clear understanding of the process for land acquisitions, disposals and exchanges. The purpose of this recommendation is not to materially change how DWR acquires, sells or exchanges land, but rather provide more detail and clarity to the existing process.

- Change the name of the rule to *Acquisition, Disposal and Exchange of Real Property*, to ensure the title of the rule reflects the contents.
- Restructure of the rule, separating information by subject, and creating a new section for Land Exchange. Each subject (acquisition, disposal and exchange) would have its own section for improved flow and understanding.
- Modification of all definitions to improve clarity and consistency with existing real estate terms, defaulting to definitions in Utah Code.
- Inclusion of purpose statements for both acquisitions and disposals.
- The addition of a requirement for DWR to obtain an appraisal review in addition to an appraisal, which is best practice for obtaining fair market value.
- Simplification of the memo to file requirement when using a listed exception to the appraisal requirement for both acquisitions and disposals.
- Inclusion of references to additional sections of Utah Code that DWR must comply with for acquisitions and disposals.
- Explicitly state that DWR may not purchase property above, and may not sell property below, fair market value, which is required in Utah Code.



- Allows DWR to request mitigation for unavoidable disposals, which would be consistent with the mitigation requests available to DWR for less than fee title disposals, such as easements, in R657-28, *Use of Division Lands*.
- Clarify when Administrative Rule R657-61 is required for fee title disposals, and when R657-28, *Use of Division Lands* is required, for less than fee title disposals.
- Explicitly state that DWR must comply with other contracts and restrictions that exist on a DWR property before disposal.
- Inclusion of language that DWR may only quit claim property that is being disposed, to ensure liability is protected.

See redline version of rule included in the RAC and Board packet.

