

Easements on State Trust Lands

Application Process & Procedures



Authority:

Easements issued by the Trust Lands Administration are governed by the administrative rules of the administration (Utah Administrative Code, Title R850). For rules pertaining specifically to easements, please see the administrative rules under *R850-40, Easements*. The Utah Administrative Code is available online at www.rules.utah.gov/publicat/code.htm.

Application Procedures:

1. Submit an Easement Application to the Trust Lands Administration. The application is available online at www.utahtrustlands.com/forms, or by contacting the administration at 801-538-5100.
2. Submit a letter detailing the intended use of the easement and other pertinent project details.
3. Submit a map detailing the location of the easement.
4. Submit a metes & bounds legal description of the easement corridor, including the desired width of the corridor.
5. A meeting with the applicant or a site visit may be necessary to discuss details of the proposal.

Administration Review:

1. Upon receipt of the application, the administration will undertake a 15 day preliminary review of the application. At the end of this review period, the Director will make a determination of whether to accept or reject the application.
2. The applicant will be informed of the Director's determination at the end of the initial review period. If the application is accepted, a non-refundable \$750.00 application fee is due. Please note that the Director's initial acceptance of the application does not imply final approval of the easement.

Other Reviews/Requirements:

1. Resource Development Coordinating Committee (RDCC): Most easement applications will require review by the State Resource Development Coordinating Committee. The RDCC is a clearinghouse which facilitates the exchange of information on actions affecting the physical resources of the state between state

- agencies and other levels of government. During the initial 15 day review period mentioned above, a determination will be made as to whether the application requires review by the RDCC. The RDCC review requires 30 days and gives local government and other state & federal agencies the opportunity to review the easement application and submit comments regarding the application to the Trust Lands Administration. The applicant will be informed of any comments or additional requirements at the end of this review period.
2. Cultural Resources (Archaeological) Survey: During the administration review period, a determination will be made as to whether the proposed easement will require a survey for cultural resources and whether special accommodations will need to be made for cultural resources within the proposed project area. If a cultural resource survey is required, it is the responsibility of the applicant to obtain this survey and bear all costs associated with the survey. Contact the Trust Lands Administration staff archeologist for more information regarding cultural resources on Trust Lands.
 3. Paleontological Resources Survey: If the proposed easement is located within an area where potential paleontological resources may exist, the Utah Geological Survey (UGS) will often require that a paleontological survey be conducted. The UGS will notify the Trust Lands Administration if such a survey will be required during the RDCC review process. If a paleontological survey is required, it is the responsibility of the applicant to obtain the survey and bear all costs associated with the survey.
 4. Other Requirements: Occasionally environmental, wildlife, or other concerns will arise during the above mentioned review processes that will need to be resolved prior to final approval of the easement application. If any of these concerns arise, the applicant will be promptly notified.

Notification of Holders of State Issued Interests:

It is the responsibility of the applicant to notify all holders of state issued interests in the proposed project area of the proposed easement so as not to conflict with or cause damage to any such existing uses. A list of all holders of state issued interests in the area will be provided to the applicant by the Trust Lands Administration during the application process.

Easement Fees:

1. Application Fee: Upon acceptance of the application by the Director, a non-refundable \$750.00 application fee is assessed.
2. Easement Fee: The easement fee is a one-time fee that is paid at the beginning of the easement term. Easement fees are determined in one of two ways, depending on which provides the highest revenue to the administration.
 - a. Fixed Fee Schedule: A fixed per/rod fee is charged based on the type of easement as detailed in the administration's published easement price schedule. The price schedule is available online at www.utahtrustlands.com/pdfs/easefee.pdf, or by contacting the administration.

- b. Land Value: The easement fee is set at 80% of the appraised property value of the land involved, except in the case of roads, where the easement fee is 100% of the appraised property involved.
3. Administrative Fee: An administrative fee is charged every three years throughout the term of the easement. Currently this fee is \$100.00, but is subject to change at any time. The applicant may elect to pay a one-time administrative fee of \$1,000.00 upfront in lieu of paying a fee every three years.

Easement Term:

Easements on trust lands are typically issued for a maximum term of 30 years. In special cases a longer term may be granted at the Director's discretion, if the Director finds that a longer term is in the best interest of the trust beneficiaries.

Easement Approval:

Upon satisfactory completion of all application requirements and payment of the required fees, the application will be submitted to the Director for approval. The approval is documented on the Director's Agenda (DA), which documents official agency actions. The DA is typically issued every Monday for all official agency actions occurring during the previous week.

Easement Document:

Upon approval of the application on the DA, the Trust Lands Administration will prepare an easement agreement for execution. Two copies of the agreement will be sent to the applicant for execution, which must both be returned to the administration within 60 days. The Director will then execute both copies, and one original will be returned to the applicant. Upon execution of the agreement by the Director it becomes a binding contract with the Trust Lands Administration.

Recordation:

The Trust Lands Administration does not typically record easement documents with the county recorder. It is the responsibility of the applicant to record such documents with the county.

Questions:

Please contact Scott Bartlett at the Trust Lands Administration at 801-538-5100 for more information.

EASEMENT PRICE SCHEDULE

Effective June 1, 2008

Electric Transmission and Distribution Lines, Telephone, Fiber Optic and other Communications Lines:

<u>Width of Easement</u>	<u>\$ per Rod</u>
0' – 30'	\$12.00
31' – 60'	\$18.00
61' – 100'	\$24.00
101' – 200'	\$30.00
201' – 300'	\$40.00
> 300'	\$50.00

Oil & Gas Pipelines:

<u>O.D. of Pipeline</u>	<u>\$ per Rod</u>
< 2"	\$9.40
2.0" – 13"	\$19.00
13.1" – 25"	\$28.00
25.1" – 37"	\$38.00
> 37"	\$75.00

Irrigation, Sewer, Culinary Water & Other Pipelines:

<u>O.D. of Pipeline</u>	<u>\$ per Rod</u>
< 2"	\$6.00
2.0" – 13"	\$12.00
13.1" – 25"	\$18.00
25.1" – 37"	\$24.00
> 37"	\$48.00

Roads:

<u>Existing</u>		<u>New Construction</u>	
<u>Width</u>	<u>\$ per Rod</u>	<u>Width</u>	<u>\$ per Rod</u>
1' – 33'	\$5.00	1' – 33'	\$7.50
33.1' – 66'	\$10.00	33.1' – 66'	\$15.00
66.1' – 100'	\$15.00	66.1' – 100'	\$22.50
> 100'	\$20.00	> 100'	\$30.00

No charge shall be established for easements which is less than 80 percent of the appraised value of the property involved, except in the case of roads where no charge shall be established which is less than 100 percent of the appraised value of the property involved.

Non-refundable Application Fee: \$750.00
Minimum Easement Fee: \$200.00