

RIGHTS OF ENTRY HANDBOOK

School and Institutional Trust Lands Administration



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CHAPTER 1: GENERAL INFORMATION

What are Trust Lands?

Trust Lands are lands granted by the United States of America to the State of Utah to support certain beneficiaries identified in the Utah Enabling Act and Utah Constitution. The primary beneficiary of trust lands are the k-12 public schools, but also include entities such as the Utah State Hospital and Schools for the Deaf and Blind. A full list of trust beneficiaries can be found on the Administration's website. Revenues generated from use of trust lands are deposited into dedicated investment funds for long-term support of these beneficiaries.

Unlike federal public lands managed by the United States Bureau of Land Management and the Forest Service, trust lands are not managed for the benefit of the public. The School and Institutional Trust Lands Administration (Administration or Trust Lands Administration) is bound by the Utah Constitution and its organizing statute to manage trust lands for the sole economic benefit of the beneficiaries, which it does by selling, leasing, permitting, developing, and otherwise engaging in economic activities on the land.

Right of Entry Permits

Right of entry permits (Permits) are authorizations issued by the Trust Lands Administration for certain non-exclusive, short-term, and generally low impact uses of trust lands (Permitted Activity). The Administration issues these Permits to regulate visitor use, protect trust lands for the benefit of the trust land beneficiaries, and obtain fair market value for use of these lands. Not all such uses require a Permit—non-commercial activity permitted by agency rule that has only minor and transient impacts to the land do not require a Permit.

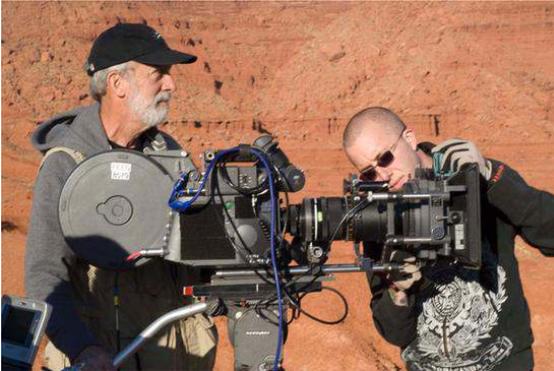
This Handbook provides guidance for when a Permit is needed, the types of Permits available, and the process for obtaining a Permit. Permits are issued according to the Administration's rules at R850-41.

When do You Need a Permit?

A Permit or other written authorization, such as a special use lease, is required for all commercial activities on trust lands. The Administration will typically issue a Permit, as opposed to a lease, when the commercial use is non-exclusive, short-term, and has a low impact on the land. Examples of activities for which the Administration issues commercial Permits include commercial guiding and outfitting, competitive events, filming and photography, wilderness therapy, and temporary workspaces.

Non-commercial group and educational events also require a Permit if the event could result in more than minor and transient impacts to trust lands. Examples of such non-commercial activities include large group campouts, weddings, church or school-sponsored events, club or group activities, and scientific studies or monitoring.

A Permit or other authorization is not required for those activities specifically permitted by the Administration's rules or other agreements, such as non-commercial hunting and fishing, wildlife viewing, short-term and low-impact camping, low-impact activities such as hiking or horseback riding, and biking or OHV use on designated routes. If there are any questions about whether a Permit is required to conduct a particular activity, persons should contact the Trust Lands Administration at any one of the offices listed in Chapter 1 of this Handbook.



Consequences of Operating without a Permit

A person conducting activities that require a Permit without such a permit may be subject to civil and criminal penalties, as set forth in Utah Code § 53C-2-301.

Use of Public Roads

The public may travel on trust lands using county or state roads or other routes designated as open to the public by the Trust Lands Administration without obtaining a Permit. Events and activities occurring entirely on these public roads generally do not require a Permit. However, a Permit may be required if the Trust Lands Administration determines that such an event or activity has the potential to impact the adjacent trust lands.

CHAPTER 2: RIGHT OF ENTRY PERMITS—GENERAL REQUIREMENTS

The following are general requirements and provisions that apply to all Permits.

Rental Assessments

The Trust Lands Administration collects a land use rental for each Permit. The rental assessment is based on criteria, including (a) the term of the Permit, (b) the number of people expected on the Permitted Property, (c) the type of event or activity, (d) the risk of significant impacts to the Permitted Property, (e) past performance by the permittee in prior permitting or leasing relationships with the Administration, and (f) the income produced by the Permitted Activity. The minimum rental assessment for a Permit is \$400. A price schedule for Permits is included in this Handbook as Appendix 1.

In most circumstances rental assessments must be paid to the Administration prior to execution of the Permit. However, when rental assessments are based on income produced or other factors that are unknown at the time of permit issuance, there may be a reconciliation payment owing at the end of the permit term.

Permit Term

The term of a Permit is generally for no longer than one year. The Administration may issue a Permit for a longer term on a case-by-case basis for repetitive activities such as competitive events or commercial guided touring and outfitting.

Permittee Responsibilities

Whether the Permit is for an individual, entity, or group, the permittee is the party that is contractually obligated to the Trust Lands Administration. The permittee executes the Permit, accepts liability for damages to trust lands, and defends the Administration against any claims brought against the Administration by permittee's employees, participants, or other invitees to the Permitted Activity. The permittee is also responsible to pay all fees and obtain any necessary insurance, licenses, or other certifications required by the Administration or by law. The Administration may require the permittee to submit proof of certification or licensure prior to issuing a Permit.

Permitted Area

Trust lands are generally available for a Permit unless the land is under exclusive possession by a lessee or is otherwise closed to use, the Permitted Activity is incompatible with prior authorized uses, or the Administration determines that the Permitted Activity would result in unacceptable damages to the resource. The Trust Lands Administration maintains an online plat map that may assist potential applicants in determining which trust lands might be available for a proposed activity. Prospective applicants may contact the Administration for assistance with navigating the website or determining the availability of trust lands for a specific activity.

Typically, a Permit will cover specifically described lands identified in the Permit and agreed to by the Administration (Permitted Property). Some activities, such as guided hunting or fishing, may cover larger areas or even the entire state.

Cultural Resources

The Trust Lands Administration is required by law to consider the effects of its activities on historic and archaeological resources. A cultural resource survey may be required prior to the occurrence of some activities on trust lands. Administration staff will review applications to determine whether a survey is required. Obtaining and paying for any required surveys is generally the responsibility of the applicant.

Insurance

Permittees are generally required to obtain an insurance policy for the Permitted Activity with specified minimum liability coverage amounts. The policy must: (a) be issued by a company rated "A" or better by the most current edition of Best's Insurance Guide and be authorized to do business in the State of Utah; (b) waive the insurance company's rights of subrogation against the State of Utah; (c) list the State of Utah, School and Institutional Trust Lands Administration as additionally insured; and (d) cover the permittee's liabilities under the Permit. The permittee must provide proof of sufficient insurance coverage to the Administration prior to issuance of a Permit. The Administration may waive this insurance requirement for certain low-risk non-commercial events and activities on a case-by-case basis.

Waiver and Release of Liability

Participants in Permitted Activities, or the participant's legal guardian if the participant is under 18 years old, are required to waive liability against the State of Utah and the Trust Lands Administration by signing a waiver and release of liability form. Permittees are required to keep the waivers on file for six years and produce them to the Trust Lands Administration upon request.

Remediation / Post-Activity

The permittee is responsible to repair any damages to the Permitted Property, including damages to any roads or trails, resulting from the Permitted Activity. The permittee is also responsible to clean up any garbage or other items brought onto the Permitted Property. In some cases, a permittee may be required to post a bond to cover potential impacts of the Permitted Activity.



CHAPTER 3: COMMERCIAL PERMITS

A Permit is required for any commercial activity on trust lands that does not otherwise require a lease, including any activity done for commercial gain such as marketing, exchanging, or creating goods or services sold or traded for value, monetary or otherwise. The Trust Lands Administration has established categories of commercial Permits that involve similar activities and generally follow the same pricing schedule. The categories of Permits are:

- Commercial guiding and outfitting;
- Competitive events;
- Commercial filming and photography;
- Wilderness therapy;
- Seismic studies; and
- Other Commercial Activities

Commercial Guiding and Outfitting Activities

Commercial guides and outfitters provide visitors to trust lands with guided recreational experiences such as hunting, fishing, skiing, backpacking, biking, OHV riding, and other similar activities. Guides, tour operators, outfitters and similar service providers must obtain a Permit if they receive any form of compensation, including goods or services, from participants in recreation activities occurring on trust lands.

Competitive Events

Competitive events include any organized, sanctioned, or structured use, event, or activity on trust lands in which two or more contestants compete and either or both of the following elements apply:

- (1) participants register, enter, or complete an application for the event; or
- (2) a predetermined course or area is designated.

One or more contestants challenging an established record (e.g. speed or endurance) is also a competitive use. Examples of competitive events include foot races, OHV races, horse endurance rides, mountain bike races, rodeos, poker runs/rides, orienteering, land speed records, and multi-element adventure events.

Commercial Filming and Photography

Commercial filming of television shows, advertisements, films, and productions on trust lands requires a Permit. Commercial photography using artificial models, sets, or props not part of the existing features of the land requires a Permit. Commercial photography of the land and its existing features, surroundings, and wildlife does not typically require a Permit unless the permittee wants to modify the land or remove vegetation, such as for camera platforms, sight lines, or set construction.

Commercial filming or photography of a permitted event does not require a separate permit so long as it is performed by the holder of the event permit.

Wilderness Therapy Permits

Therapeutic institutions operating commercial wilderness therapy tours, where participants may hike or backpack with a trained guide, sleep on the Permitted Property, and/or learn outdoor skills must obtain a Permit.

Seismic Surveys

Seismic surveys involve recording artificially generated shock waves that are reflected or refracted from different rock strata to investigate the Earth's subsurface structure. Buried explosives or vibrating plates attached to vibroseis trucks generate the waves and a line or grid of geophones record them. These surveys are commonly used in oil, gas, and mineral exploration activities.

Unless authorized under an existing mineral lease or other contract, a Permit is required to conduct a seismic survey on trust lands. Applicants for seismic survey Permits may be required to provide data detailing the project area boundaries, shot hole locations, vibroseis lines, and geophone grids. SITLA may require that this data be provided in a GIS-compatible format.

Other Commercial Uses of Trust Lands

Permits for other commercial uses of trust lands not specifically detailed in this handbook may be issued at the discretion of the Administration. Examples of other commercial uses may include construction staging areas, temporary workspaces, short-term material storage, work camps, vending activities, and other short-term commercial uses

Rental assessments for commercial activities not listed on the right-of-entry price schedule will be determined on a case-by-case basis, based on the nature of the activity, the market value of the land or use, number of people involved, potential impacts to the resource, length of use, comparable rentals, or other relevant factors.



CHAPTER 4: NON-COMMERCIAL PERMITS

Organized Group Events and Educational Activities

The Trust Lands Administration may require a Permit for non-commercial organized group events or educational activities on trust lands based on planning decisions, resource concerns, potential user conflicts, group size, nature of the activity, public health and safety issues, or any other factors deemed relevant by the Administration. Examples of non-commercial events or uses that may require a Permit include large campouts, church or school-sponsored events, family reunions, historic reenactments, weddings, club or fraternal activities, group recreational outings, OHV gatherings, fireworks displays, research activities, plant and wildlife studies, monitoring wells, and similar uses.

CHAPTER 5: APPLICATION PROCESS

Submitting an Application

Applicants must use the Administration's application form, located on the Administration's website. To apply, the applicant must submit:

- a signed and completed application
- \$400 minimum rent (\$100 of which is non-refundable)
- a map of the proposed permitted property (except in the case of statewide permit)
- evidence of registration to do business in Utah (if applicant is an entity)
- an operations and safety plan, if applicable

The Administration may request additional information if necessary to process the application.

The applicant may submit the application and all documentation by e-mail to TrustLandsROE@Utah.gov or by mailing or hand delivering the application to one of the offices listed in Chapter 1. The applicant may submit the \$400 minimum rent by credit card by calling the main office at 801-538-5100 or by mailing or hand delivering a check along with the application documents.

Submitting Insurance, Payments, and Other Required Documentation

Once an application has been received, the Trust Lands Administration will review it for completeness and accept or reject the application. If the Administration accepts the Permit application, staff will communicate to the applicant the necessary level of insurance, the rental assessment, and any additional requirements such as cultural resource surveys or bonding. The Administration will not issue the Permit until the applicant has submitted all necessary documents and rental assessments.

Issuance of the Permit

The Administration may send a draft Permit to the applicant at any time during the application process. Once the Administration receives all necessary documents and rent payments, it will finalize the Permit and send it to the applicant for signature. The applicant must execute the Permit and return the signed document to the Administration. The Administration will then counter sign and send the applicant a fully-executed Permit. The Permit is not issued or effective until the Administration has provided the permittee with a fully-executed copy of the Permit.

The permittee or permittee's authorized representative should retain a copy of the Permit in their possession at all times when conducting the Permitted Activity on the Permitted Property.



Appendix 1: Price Schedule

APPENDIX 1 RIGHT OF ENTRY PRICE SCHEDULE

Standard Rates:

Minimum Rental..... \$400.00¹

Commercial Outfitters & Tour Operators..... 3% of Gross Receipts

Competitive/Group Events

Number of Participants	Percentage of Trust Land Used ²				
	10% or less	11-30%	31-50%	51-70%	70%+
10 or less	\$400	\$400	\$400	\$400	\$400
11-25	\$400	\$400	\$400	\$400	\$400
26-50	\$400	\$400	\$400	\$400	\$400
51-75	\$400	\$400	\$400	\$400	\$475
76-100	\$400	\$450	\$500	\$550	\$600
101-150	\$625	\$700	\$775	\$850	\$1,150
151-200	\$850	\$1,000	\$1,300	\$1,900	\$2,100
201-300	\$1,300	\$1,600	\$2,200	\$4,000	\$4,600
301-500	\$3,100	\$3,600	\$4,100	\$7,100	\$9,600
501-750	\$5,000	\$5,700	\$6,400	\$10,600	\$14,100
750+	\$7,300	\$8,200	\$9,100	\$14,500	\$19,000

¹ The minimum rental includes a non-refundable \$100 application fee.

² The amount of trust lands used in comparison to the entire area used for the event. For example, if an event area is comprised of 20% trust lands and 80% non-trust lands and involves 250 participants the rental assessment is \$1,600.

Appendix 1: Price Schedule

Base Camps \$1500/camp (minimum)

Commercial Filming Rental Assessment (per location):

1 to 10 people.....\$400/day
11 to 30 people.....\$500/day
31 to 50 people.....\$600/day
Over 50 people.....\$1000/day
Stock animals..... \$1.50/head/day
Vehicles (over four, including aerial) .\$150/day

Seismic Survey Rates:

Shot hole method.....50/shot hole
Surface vibration..... \$400/mile
Primacord.....\$400/mile

Other Use Rates:

To be determined by Administration staff.