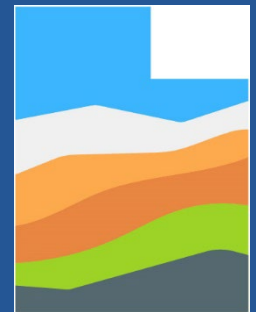
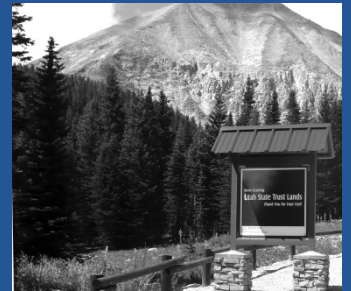
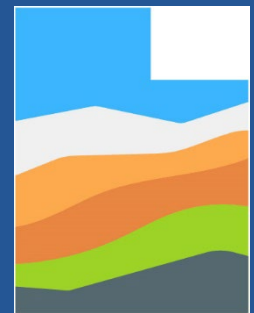
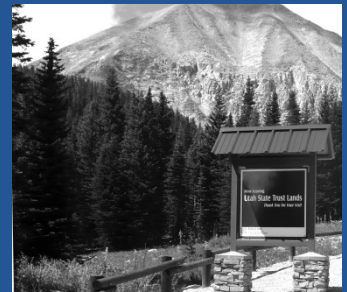


**APA UTAH 2023  
SCOTT BARTLETT  
ASSISTANT MANAGING DIRECTOR  
UTAH SCHOOL AND INSTITUTIONAL  
TRUST LANDS ADMINISTRATION**

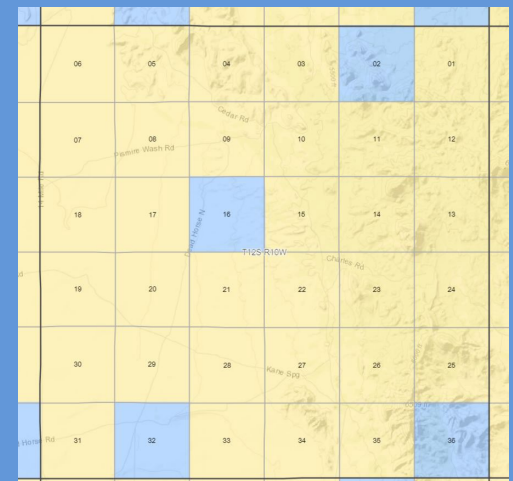


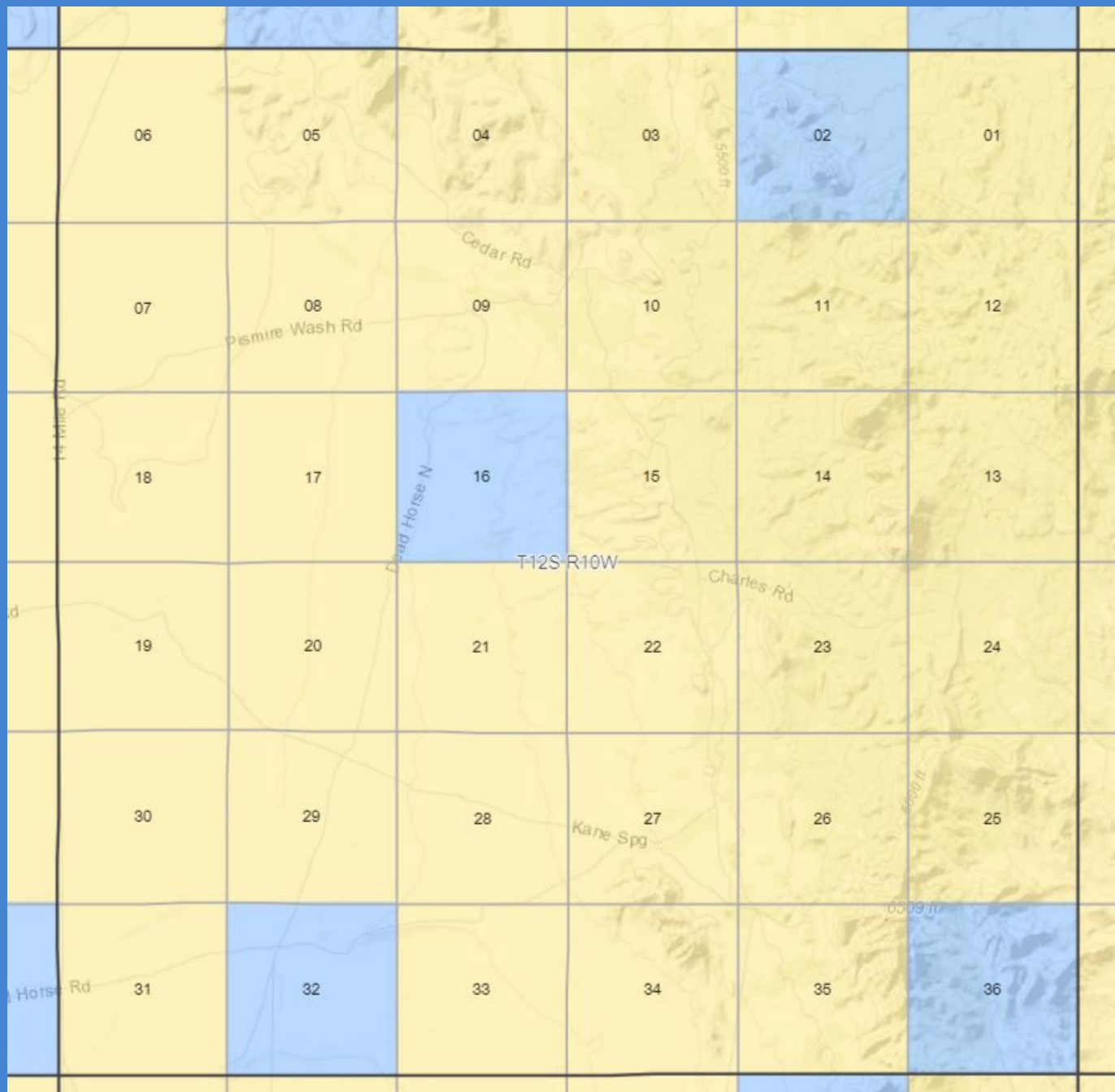
# UTAH'S FIDUCIARY RESPONSIBILITIES TO TRUST LANDS BENEFICIARIES



# ENABLING ACT

- SEC. 6. That upon the admission of said State into the Union, **sections numbered two, sixteen, thirty-two, and thirty-six in every township** of said proposed State, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto... **are hereby granted to said State for the support of common schools**, such indemnity lands to be selected within said State in such manner as the Legislature may provide...





# ENABLING ACT

- SEC. 12. ... the following grants of land are hereby made to said State, for the purposes indicated, namely:
- For the establishment of
  - **permanent water reservoirs for irrigating purposes**, five hundred thousand acres;
  - **an insane asylum (State Hospital)**, one hundred thousand acres;
  - **a school of mines in connection with the university**, one hundred thousand acres;
  - **a deaf and dumb asylum (School for the Deaf)**, one hundred thousand acres;
  - **a reform school (Juvenile Justice Service)**, one hundred thousand acres;
  - **State normal schools (teaching colleges)**, one hundred thousand acres;
  - **an institution for the blind**, one hundred thousand acres;
  - **a miners' hospital for disabled miners**, fifty thousand acres.
- ... the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the Legislature of the State may provide.

# UTAH CODE 53C

## 53C-1-102. Purpose

- (1)
- (a) The purpose of this title is to establish an administration and board to manage lands that Congress granted to the state for the support of **common schools and other beneficiary institutions**, under the Utah Enabling Act.
- (b) This grant was expressly accepted in the Utah Constitution, thereby creating a compact between the federal and state governments which imposes upon the state a **perpetual trust obligation** to which standard trust principles are applied.
- (c) Title to these trust lands is **vested in the state as trustee** to be administered for the financial support of the trust beneficiaries.

# UTAH CODE 53C

## 53C-1-102. Purpose

- (2)
- (a) The trust principles referred to in Subsection (1) impose **fiduciary duties** upon the state, including a duty of undivided loyalty to, and a strict requirement to administer the trust corpus for the exclusive benefit of, the trust beneficiaries.
- (b) As trustee, the state must manage the lands and revenues generated from the lands in the most prudent and profitable manner possible, and **not for any purpose inconsistent with the best interests of the trust beneficiaries.**
- (c) The trustee must be concerned with both income for the current beneficiaries and the preservation of trust assets for future beneficiaries, which requires a **balancing of short and long-term interests** so that long-term benefits are not lost in an effort to maximize short-term gains.
- (d) The beneficiaries **do not include** other governmental institutions or agencies, the public at large, or the general welfare of this state.

# UTAH CODE 53C

## 53C-1-202. Creation of Administration

- (1)
- (a) There is established within state government the **School and Institutional Trust Lands Administration**.
- (b) The administration shall **manage all school and institutional trust lands and assets** within the state, except as otherwise provided in Title 53C, Chapter 3, Deposit and Allocation of Revenue from Trust Lands, and Title 53D, Chapter 1, School and Institutional Trust Fund Management Act.
- (2) The administration is an **independent state agency** and not a division of any other department.



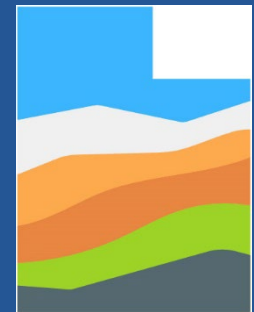
# LAND STATUS

**Trust lands are not public lands and must be managed to the exclusive benefit of the trust beneficiaries**

**- BUT -**

**Trust lands are open to the public unless specifically closed, and often require access across adjacent public lands**

# ROADS ON TRUST LANDS



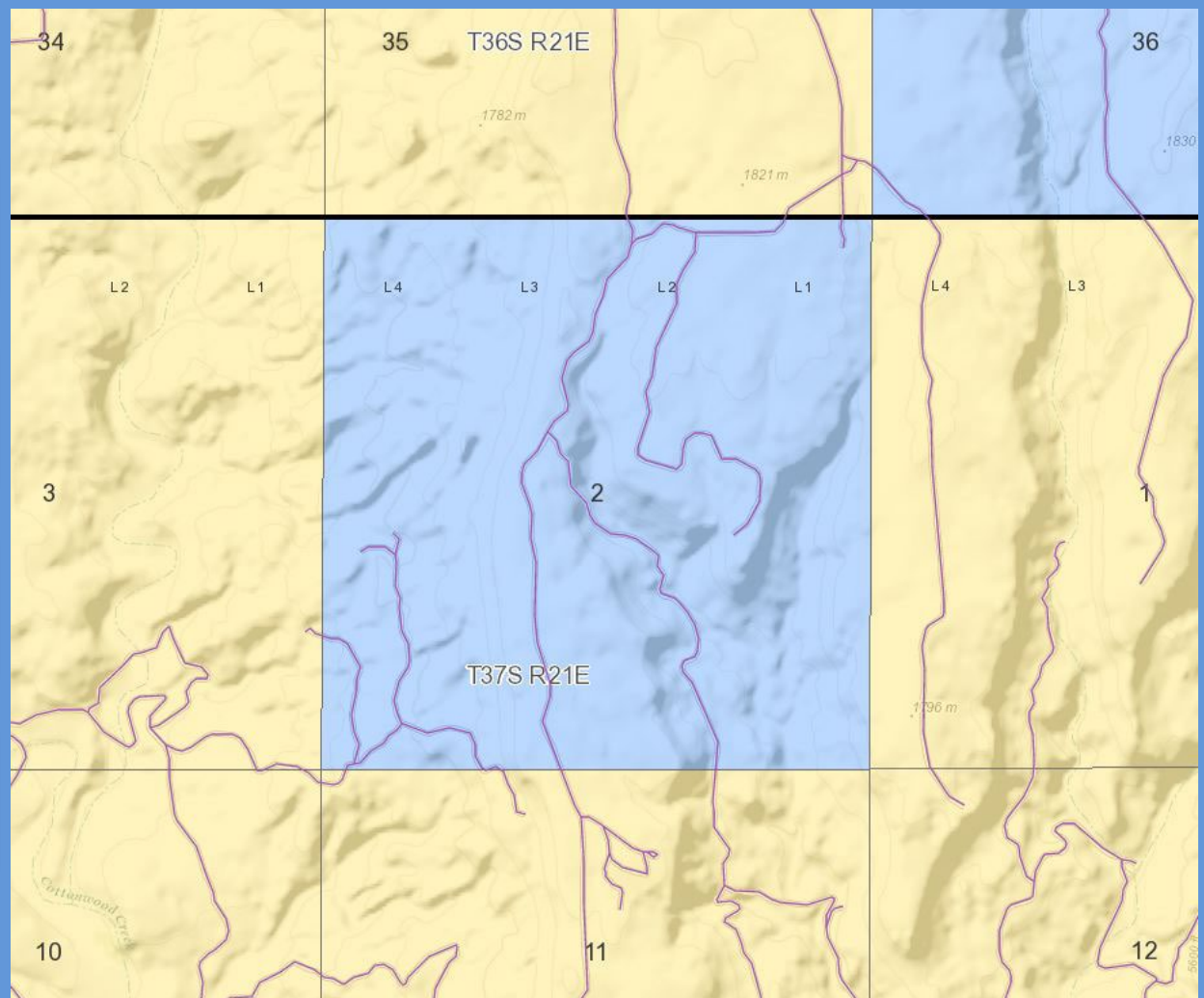
# EVALUATING ROAD STATUS

Many roads without  
express grant of  
easement

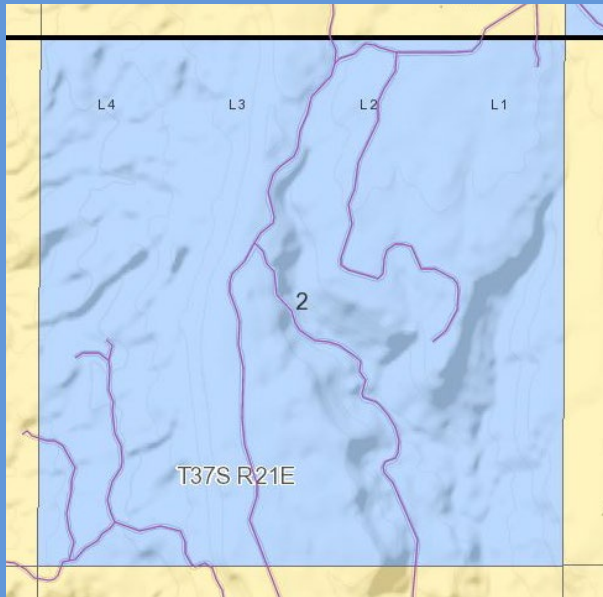
1992 state statute  
creates temporary  
easement

Valid RS-2477 roads do  
not require express grant

Any road not considered  
a valid, existing right  
requires an express grant



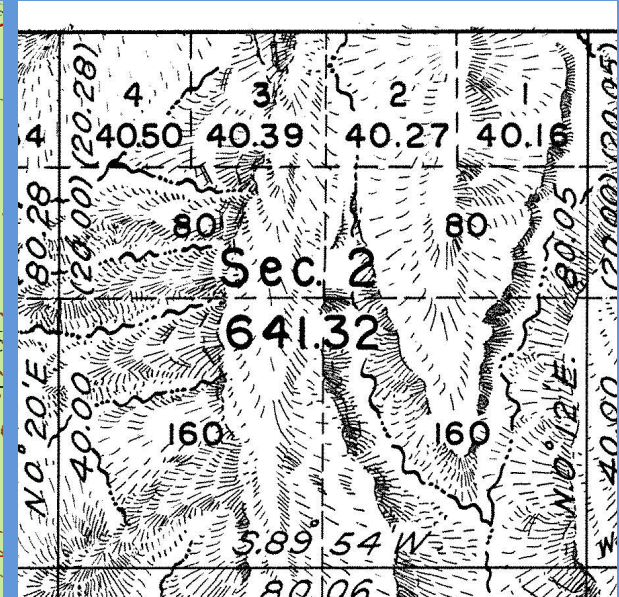
# EVALUATING ROAD STATUS



Road data collected by counties and UGRC



Checked against evidence such as topo maps



Checked against GLO surveys – no roads surveyed, easement req'd

# FUNDING OF ROAD EASEMENTS

- Counties initially resisted having to purchase easements.
- OHV fund created, utilized in part for road easements.
- Partnership with CIB created.
- Thousands of miles of road easements issued to date.

# LINKS

- SITLA records and plat map:  
<https://trustlands.utah.gov/resources/land-lease-records/>
- SITLA statutes: <https://trustlands.utah.gov/policy/administrative-rules/>
- Temporary road easement statute 72-5-203:  
[https://le.utah.gov/xcode/Title72/Chapter5/72-5-S203.html?v=C72-5-S203\\_1800010118000101](https://le.utah.gov/xcode/Title72/Chapter5/72-5-S203.html?v=C72-5-S203_1800010118000101)