**R651. Natural Resources, State Parks.**

**R651-101a. Adjudicative Proceedings.**

**R651-101a-1. Designation and Procedures.**

(1) Pursuant to Section 63G-4-202 the division designates all adjudicatory proceedings before the division as informal.

(2) The division shall commence an adjudicatory proceeding as provided by Section 63G-4-201.

(3) A person other than the division shall commence an adjudicatory proceeding by submitting a written request for agency action to the division director in accordance with Subsection 63G-4-201(3).

(4) The division shall conduct an informal adjudicatory proceeding according to the procedures set out in Subsection 63G-4-203(1).

**R651-101a-2. Pleadings, Hearings, and Decisions.**

(1) A person may submit an answer or response to a notice of agency action, or the division may submit an answer or response to a request for agency action, within 14 days of the date the notice of agency action or request for agency action is filed.

(2) The division shall hold a hearing only if a hearing is required by statute.

(3) Within a reasonable time after the division or a person files an answer or response pursuant to Subsection (1) or, if no answer or response is filed, within a reasonable time after the notice of agency action or request for agency is filed, the presiding officer shall issue a signed order pursuant to the procedures set out in Subsection 63G-4-203(1)(i).

**R651-101a-3. Presiding Officer.**

(1) The division director shall be the presiding officer for all adjudicative proceedings before the division.

(2) The division director may, at the director's discretion, designate another person to serve as the presiding officer in any adjudicatory proceeding before the division.

**R651-101a-4. Declaratory Proceedings.**

(1) A person may petition the division to issue a declaratory order determining the applicability of a statute, rule, or order within the primary jurisdiction of the division.

(2) A person shall ensure a petition:

(a) is clearly designated as a request for an agency declaratory order;

(b) identifies the statute, rule, or order to be reviewed;

(c) states the factual issue, situation, or circumstance in which applicability is sought;

(d) describes the reason or need for the applicability review, including the specific relationship of the requested declaratory order to the legal rights, interests, and objectives of the petitioner;

(e) includes the petitioner's address and telephone number;

(f) provides the contact information for other persons or parties the petitioner considers will be directly affected by the issuance of a declaratory order; and

(g) is signed by the petitioner or the petitioner's authorized representative.

(3)(a) Upon receipt of a petition, the director or the director's designee shall review the petition to ensure it complies with the requirements of Subsection (2).

(b) If the director or the director's designee determines the petition does not comply with the requirements of Subsection (2), the director or the director's designee shall return the petition to the petitioner.

(c) If the director or the director's designee determines the petition is complete, the director or the director's designee shall review the petition and, within a reasonable amount of time, issue a written order that:

(i) states the applicability or non-applicability of the statute, rule, or order at issue; and

(ii) provides the reason or reasons the statute, rule, or order is applicable or non-applicable.

**KEY: administrative procedures**

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