**R652. Natural Resources, Forestry, Fire and State Lands.**

**R652-22. Great Salt Lake Watershed Enhancement Oversight.**

**R652-22-100. Authority.**

Rule R652-22 is promulgated pursuant to Sections 65A-16-102 and 65A-16-202.

**R652-22-101. Purpose.**

The purpose of Rule R652-22 is to promulgate administrative rules to govern the division's oversight of the Great Salt Lake Watershed Enhancement Trust, consistent with the purpose and intent of the Great Salt Lake Watershed Enhancement Program, Title 65A, Chapter 16.

**R652-22-200. Definitions.**

(1) "Program" means the Great Salt Lake Watershed Enhancement Program created by Title 65A, Chapter 16.

(2) "Fiduciary" means the third party selected by the grantee to hold and administer the state grant money, pursuant to Subsection 65A-16-301(2)(a).

(3) "Grantee" means the eligible applicant that has met the requirements in Subsection 65A-16-201(3) and received a grant authorized under the program, pursuant to Subsections 65A-16-201(4) and (5).

(4) "State Grant Money" means funds awarded by the division to an eligible applicant, pursuant to Subsection 65A-16-201(2)(a), and any other funds appropriated by the Utah State Legislature for the purposes of the program.

(5) "Trust Agreement" means the agreement between the division and the grantee providing for the distribution of state grant money, pursuant to Subsection 65A-16-201(5)(b).

(6) "Trust" means the Great Salt Lake Watershed Enhancement Trust established by Section 65A-16-201 and established by the grantee.

**R652-22-300. Default.**

(1) In the event the grantee fails to comply with any part of Title 65A, Chapter 16 or the applicable trust agreement, the division shall provide the grantee with written notice of the default that describes in reasonable detail the grounds for default.

(2) The grantee shall have 30 days after receiving a written notice of default to correct and cease any defaults.

(a) If the grantee has not cured such defaults or has not diligently commenced the cure of defaults within 30 days after receiving written notice of default, the division may:

(i) exercise any remedy provided by law or equity;

(ii) terminate the trust agreement;

(iii) suspend the grantee from receiving future contracts or agreements from the division or the state to spend state grant money for the purposes described in the Section 65A-16-201 and Section 65A-16-302; or

(iv) demand a full refund of any unexpended portion of the state grant money or other funds the state provided to the trust to fulfill its duties as described in Section 65A-16-201 and Section 65A-16-301.

**R652-22-301. Termination.**

To terminate a trust agreement for any reason, the terminating party shall provide 120 days advance written notice. Upon termination, the grantee shall:

(1) cause the fiduciary to return any unexpended portion of the state grant money to the division;

(2) cause the fiduciary to prepare a written, itemized report satisfying Subsection 63J-1-220(2)(b)(ii) by describing the trust's total expenditure of all state grant money received; and

(3) ensure all required reports associated with the state grant money are submitted to the division.

**R652-22-302. Suspension of Work.**

(1) The division may suspend the grantee's authority to execute new contracts for trust purposes if the division has a reasonable basis to believe the grantee is not operating the trust in accordance with Title 65A, Chapter 16 or terms of the trust agreement.

(2) To suspend the grantee's authority under this rule, the division shall provide written notice to the grantee, explaining in reasonable detail the basis for the suspension, at least 14 days before the start of the suspension.

(3) If the division suspends the grantee's authority under this rule, the division shall complete an investigation to determine whether the grantee has failed to comply with Title 65A, Chapter 16 or the applicable trust agreement within 30 days of the date it issued the notice of the suspension.

(4) If the division determines the grantee has operated the trust in accordance with Title 65A, Chapter 16 and the terms of the trust agreement, the division shall issue a written notice to the grantee reinstating the grantee's authority to execute new contracts for trust purposes within 15 days of completing its investigation and making such determination.

(5) If the division finds the grantee has not operated the trust in accordance with Title 65A, Chapter 16 or the terms of the trust agreement, the division may terminate the agreement pursuant to Section R652-22-301.

**R652-22-303. Division Reserved Rights.**

The division reserves the right to review, conduct an audit of, or contract with a third party to conduct a review or an audit of the trust's expenditures and any documents associated with those expenditures at any time during the term of the trust agreement.

**KEY: great salt lake; watershed enhancement oversight**

**Date of Last Change: December 23, 2024**

**Authorizing, and Implemented or Interpreted Law: 65A-16-102; 65A-16-202.**