

**Effective 5/10/2016**

## **Part 4 Range Management**

### **63L-8-401 Title.**

This part is known as "Range Management."

Enacted by Chapter 317, 2016 General Session

### **63L-8-402 Grazing fees -- Feasibility study -- Contents -- Submission of report -- Annual distribution and use of range betterment funds -- Nature of distributions.**

(1) As used in this section:

- (a) "Animal unit" means one mature 1,000 pound cow and the cow's suckling calf.
- (b) "Animal unit month" means the amount of forage needed by an animal unit grazing for one month.
- (c) "Forage" means the food and water necessary to sustain a cow, according to the cow's metabolic weight.

(2) The Legislature finds that, as of 2016, a substantial amount of the rangelands on the public land is deteriorating in quality due to federal mismanagement, and that installation of additional range improvements could arrest much of the continuing deterioration and lead to substantial betterment of forage conditions with resulting benefits to wildlife, watershed protection, and livestock production.

(3) The director, in consultation with the commissioner, shall establish a fee, in accordance with Section 63J-1-504, to be charged for domestic livestock grazing on public land that is equitable to the:

- (a) state and the state's citizens; and
- (b) holders of grazing permits and leases on rangeland.

(4) Subject to Subsection (5), the fee described in Subsection (3) shall be:

- (a) determined using the following indices:
  - (i) the rental charge of pasturing cattle on private rangeland, or the forage value index (FVI);
  - (ii) the average annual sales price of beef cattle, or the beef cattle price index (BCPI); and
  - (iii) the cost of livestock production, or the prices paid index (PPI); and
- (b) calculated as follows:  $((FVI + BCPI - PPI)/100)$ .

(5)

- (a) The minimum grazing fee shall be \$1.35 per animal unit month.
- (b) The annual fee adjustment may not exceed 25% of the grazing fee from the previous fiscal year.

(6)

- (a) Fifty percent of all money received by the state as fees for grazing domestic livestock on public land shall be deposited into the Grazing Land Fund created in Section 63L-8-310.
- (b) Fifty percent of money received by the state as fees for grazing domestic livestock on the public land shall be deposited into the Public Land Management Fund created in Section 63L-8-308.

Amended by Chapter 451, 2017 General Session

### **63L-8-403 Grazing permits and leases.**

- (1)
  - (a) Except as provided in Subsection (2), permits and leases for domestic livestock grazing on public land issued by the director may not exceed a term of five years, subject to terms and conditions the director determines to be appropriate and consistent with this chapter.
  - (b) The director shall have authority to cancel, suspend, or modify a grazing permit or lease, in whole or in part:
    - (i) pursuant to the terms and conditions of the permit or lease;
    - (ii) for any violation of:
      - (A) this chapter or a grazing rule implemented under this chapter; or
      - (B) any term or condition of the grazing permit or lease; or
    - (iii) to protect rangeland health from overutilization pursuant to Subsection (7).
- (2) The holder of an expiring permit or lease shall be given first priority for receipt of the new permit or lease, provided:
  - (a) the land for which the permit or lease is issued remains available for domestic livestock grazing in accordance with a land use plan prepared pursuant to Section 63L-8-202;
  - (b) the permittee or lessee is in compliance with:
    - (i) the provisions of this chapter and the grazing rules issued by the DLM, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
    - (ii) the terms and conditions in the permit or lease specified by the director;
  - (c) the permittee or lessee accepts the terms and conditions included by the director in the new permit or lease; and
  - (d) range conditions on the tract of public land are sufficient to support continued livestock grazing, as determined by the director pursuant to Subsection (7).
- (3) Permits and leases for domestic livestock grazing issued under this part may be incorporated in an allotment management plan developed by the director.
- (4)
  - (a) If the director elects to develop an allotment management plan for a given area, the director shall do so in consultation, cooperation, and coordination with:
    - (i) the lessees, permittees, and landowners involved;
    - (ii) the commissioner;
    - (iii) the Utah Grazing Improvement Program Advisory Board established under Section 4-20-103; and
    - (iv) the political subdivision having land within the area covered by the proposed allotment management plan.
  - (b) An allotment management plan shall be:
    - (i) tailored to the specific range condition of the area covered by the plan; and
    - (ii) reviewed on a periodic basis to determine:
      - (A) the efficacy of the plan in improving range conditions on the involved land; and
      - (B) whether the land can be better managed.
- (5) The director may revise or terminate plans, or develop new plans, after review and consideration, consultation, cooperation, and coordination with the parties listed in Subsection (4)(a).
- (6)
  - (a) In all cases where the director has not completed an allotment management plan or determines that an allotment management plan is not necessary for management of livestock operations, the director shall incorporate in grazing permits and leases the necessary terms and conditions for the appropriate management of the permitted or leased land.
  - (b) The director, in consultation with the commissioner:

- (i) shall specify the number of animals to be grazed and the seasons of use; and
  - (ii) may reexamine the condition of the range and forage utilization at any time.
- (7) If the director finds that the condition of the range requires adjustment in the amount or other aspect of grazing use, the permittee or lessee shall adjust the permittee or lessee's use to the extent required by the director.
- (8) An allotment management plan may not refer to livestock operations or range improvements on non-public land, except where the non-public land is intermingled with public land and the consent of the owner of the non-public land and the permittee or lessee involved with the plan is obtained.
- (9)
  - (a) Whenever a permit or lease for grazing domestic livestock on public land is canceled, in whole or in part, in order to devote the land covered by the permit or lease to another public purpose, the permittee or lessee shall receive from the state reasonable compensation for the adjusted value, to be determined by the director, of the permittee's or lessee's interest in authorized permanent improvements placed or constructed by the permittee or lessee on lands covered by such permit or lease.
  - (b) The compensation described in Subsection (9)(a) may not exceed the fair market value of the terminated portion of the permittee's or lessee's interest.
- (10) Except in cases of emergency, a permit or lease may not be canceled under this section without one year's notification.

Amended by Chapter 84, 2022 General Session

**63L-8-404 Valid existing right.**

- (1) As used in this section, "valid existing right" means an interest in property that a person secures by meeting the requirements of this section.
- (2) A property right associated with a grazing allotment on public lands is a valid existing right if the owner of the grazing allotment:
  - (a) has a valid permit or lease issued by a federal agency that authorizes the permit or lease holder to use the public lands for grazing domestic livestock;
  - (b) grazes the land in a manner consistent with sustained yield;
  - (c) is able to demonstrate that the lands included in the grazing allotment covered by the permit are chiefly valuable for grazing; and
  - (d) obtains the preference rights to the lease or permit described in Subsection (2)(a) and begins grazing livestock on the public lands before a final decision by a federal agency to withdraw the public lands from use for livestock grazing.

Enacted by Chapter 184, 2024 General Session