

GRAZING ADVISORY BOARD AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Keven J. Stratton

LONG TITLE

Committee Note:

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.

Legislative Vote: 18 voting for 0 voting against 0 absent

General Description:

This bill addresses the sunset date and changes the name of the State Grazing Advisory Board.

Highlighted Provisions:

This bill:

- ▶ changes the name of the state grazing advisory board;
- ▶ extends the sunset date of the state grazing advisory board; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-20-102, as enacted by Laws of Utah 2017, Chapter 345

4-20-103, as last amended by Laws of Utah 2021, Chapter 382



28 **63I-1-204**, as last amended by Laws of Utah 2021, Chapters 74, 178, and 375

29 **63L-8-403**, as last amended by Laws of Utah 2017, Chapter 345



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **4-20-102** is amended to read:

33 **4-20-102. Definitions.**

34 As used in this chapter:

35 (1) "Cooperative weed management association" means a multigovernmental
36 association cooperating to control noxious weeds in a geographic area that includes some
37 portion of Utah.

38 (2) "Fees" means the revenue collected by the United States secretary of interior from
39 assessments on livestock using public lands.

40 (3) "Grazing district" means an administrative unit of land:

41 (a) designated by the commissioner as valuable for grazing and for raising forage
42 crops; and

43 (b) that consists of any combination of the following:

44 (i) public lands;

45 (ii) private land;

46 (iii) state land; and

47 (iv) school and institutional trust land as defined in Section **53C-1-103**.

48 (4) "Public lands" mean vacant, unappropriated, reserved, and unreserved federal
49 lands.

50 (5) "Regional board" means a regional grazing advisory board with members appointed
51 under Section **4-20-104**.

52 (6) "Restricted account" means the Rangeland Improvement Account created in
53 Section **4-20-105**.

54 (7) "Sales" or "leases" means the sale or lease, respectively, of isolated or disconnected
55 tracts of public lands by the United States secretary of interior.

56 (8) "State board" means the [~~State Grazing~~] Utah Grazing Improvement Program
57 Advisory Board created under Section **4-20-103**.

58 Section 2. Section **4-20-103** is amended to read:

59 **4-20-103. Utah Grazing Improvement Program Advisory Board -- Duties.**

60 (1) (a) There is created within the department the [~~State Grazing~~] Utah Grazing
61 Improvement Program Advisory Board.

62 (b) The commissioner shall appoint the following members:

63 (i) one member from each regional board;

64 (ii) one member from the Conservation Commission, created in Section 4-18-104;

65 (iii) one representative of the Department of Natural Resources;

66 (iv) two livestock producers at-large; and

67 (v) one representative of the oil, gas, or mining industry.

68 (2) The term of office for a state board member is four years.

69 (3) Members of the state board shall elect a chair, who shall serve for two years.

70 (4) A member may not receive compensation or benefits for the member's service but
71 may receive per diem and travel expenses in accordance with:

72 (a) Section 63A-3-106;

73 (b) Section 63A-3-107; and

74 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
75 63A-3-107.

76 (5) The state board shall:

77 (a) receive:

78 (i) advice and recommendations from a regional board concerning:

79 (A) management plans for public lands, state lands, and school and institutional trust
80 lands as defined in Section 53C-1-103, within the regional board's region; and

81 (B) any issue that impacts grazing on private lands, public lands, state lands, or school
82 and institutional trust lands as defined in Section 53C-1-103, in its region; and

83 (ii) requests for restricted account money from the entities described in Subsections
84 (5)(c)(i) through (iv);

85 (b) recommend state policy positions and cooperative agency participation in federal
86 and state land management plans to the department and to the Public Lands Policy
87 Coordinating Office, created under Section 63L-11-201; and

88 (c) advise the department on the requests and recommendations of:

89 (i) regional boards;

- 90 (ii) county weed control boards, created in Section 4-17-105;
- 91 (iii) cooperative weed management associations; and
- 92 (iv) conservation districts created under the authority of Title 17D, Chapter 3,
- 93 Conservation District Act.

94 Section 3. Section 63I-1-204 is amended to read:

95 **63I-1-204. Repeal dates, Title 4.**

96 (1) Section 4-2-108, which creates the Agricultural Advisory Board, is repealed July 1,

97 2023.

98 (2) Title 4, Chapter 2, Part 7, Pollinator Pilot Program, is repealed July 1, 2024.

99 (3) Section 4-17-104, which creates the State Weed Committee, is repealed July 1,

100 2026.

101 (4) Title 4, Chapter 18, Part 3, Utah Soil Health Program, is repealed July 1, 2026.

102 (5) Section 4-20-103, which creates the [~~State Grazing~~] Utah Grazing Improvement

103 Program Advisory Board, is repealed July 1, [~~2022~~] 2032.

104 (6) Sections 4-23-104 and 4-23-105, which create the Agricultural and Wildlife

105 Damage Prevention Board, are repealed July 1, 2024.

106 (7) Section 4-24-104, which creates the Livestock Brand Board, is repealed July 1,

107 2025.

108 (8) Section 4-35-103, which creates the Decision and Action Committee, is repealed

109 July 1, 2026.

110 (9) Section 4-39-104, which creates the Domesticated Elk Act Advisory Council, is

111 repealed July 1, 2027.

112 Section 4. Section 63L-8-403 is amended to read:

113 **63L-8-403. Grazing permits and leases.**

114 (1) (a) Except as provided in Subsection (2), permits and leases for domestic livestock

115 grazing on public land issued by the director may not exceed a term of five years, subject to

116 terms and conditions the director determines to be appropriate and consistent with this chapter.

117 (b) The director shall have authority to cancel, suspend, or modify a grazing permit or

118 lease, in whole or in part:

119 (i) pursuant to the terms and conditions of the permit or lease;

120 (ii) for any violation of:

- 121 (A) this chapter or a grazing rule implemented under this chapter; or
122 (B) any term or condition of the grazing permit or lease; or
123 (iii) to protect rangeland health from overutilization pursuant to Subsection (7).
- 124 (2) The holder of an expiring permit or lease shall be given first priority for receipt of
125 the new permit or lease, provided:
- 126 (a) the land for which the permit or lease is issued remains available for domestic
127 livestock grazing in accordance with a land use plan prepared pursuant to Section 63L-8-202;
128 (b) the permittee or lessee is in compliance with:
- 129 (i) the provisions of this chapter and the grazing rules issued by the DLM, in
130 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
131 (ii) the terms and conditions in the permit or lease specified by the director;
132 (c) the permittee or lessee accepts the terms and conditions included by the director in
133 the new permit or lease; and
- 134 (d) range conditions on the tract of public land are sufficient to support continued
135 livestock grazing, as determined by the director pursuant to Subsection (7).
- 136 (3) [~~All permits~~] Permits and leases for domestic livestock grazing issued under this
137 part may be incorporated in an allotment management plan developed by the director.
- 138 (4) (a) If the director elects to develop an allotment management plan for a given area,
139 the director shall do so in consultation, cooperation, and coordination with:
- 140 (i) the lessees, permittees, and landowners involved;
141 (ii) the commissioner;
142 (iii) the [~~State Grazing~~] Utah Grazing Improvement Program Advisory Board
143 established under Section 4-20-103; and
- 144 (iv) the political subdivision having land within the area covered by the proposed
145 allotment management plan.
- 146 (b) An allotment management plan shall be:
- 147 (i) tailored to the specific range condition of the area covered by the plan; and
148 (ii) reviewed on a periodic basis to determine:
- 149 (A) the efficacy of the plan in improving range conditions on the involved land; and
150 (B) whether the land can be better managed.
- 151 (5) The director may revise or terminate plans, or develop new plans, after review and

152 consideration, consultation, cooperation, and coordination with the parties listed in Subsection
153 (4)(a).

154 (6) (a) In all cases where the director has not completed an allotment management plan
155 or determines that an allotment management plan is not necessary for management of livestock
156 operations, the director shall incorporate in grazing permits and leases [~~and~~] the necessary terms
157 and conditions for the appropriate management of the permitted or leased land.

158 (b) The director, in consultation with the commissioner:

159 (i) shall specify the number of animals to be grazed and the seasons of use; and

160 (ii) may reexamine the condition of the range and forage utilization at any time.

161 (7) If the director finds that the condition of the range requires adjustment in the
162 amount or other aspect of grazing use, the permittee or lessee shall adjust the permittee or
163 lessee's use to the extent required by the director.

164 (8) An allotment management plan may not refer to livestock operations or range
165 improvements on non-public land, except where the non-public land is intermingled with
166 public land and the consent of the owner of the non-public land and the permittee or lessee
167 involved with the plan is obtained.

168 (9) (a) Whenever a permit or lease for grazing domestic livestock on public land is
169 canceled, in whole or in part, in order to devote the land covered by the permit or lease to
170 another public purpose, the permittee or lessee shall receive from the state reasonable
171 compensation for the adjusted value, to be determined by the director, of the permittee's or
172 lessee's interest in authorized permanent improvements placed or constructed by the permittee
173 or lessee on lands covered by such permit or lease.

174 (b) The compensation described in Subsection (9)(a) may not exceed the fair market
175 value of the terminated portion of the permittee's or lessee's interest.

176 (10) Except in cases of emergency, [~~no~~] a permit or lease [~~shall~~] may not be canceled
177 under this [~~subsection~~] section without one year's notification.