

LIVESTOCK GRAZING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill makes changes to provisions relating to grazing under the Utah Public Land Management Act.

Highlighted Provisions:

This bill:

- ▶ recognizes a federal grazing permit or lease as a valid existing right in range management; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63L-11-302, as enacted by Laws of Utah 2021, Chapter 382

ENACTS:

63L-8-404, Utah Code Annotated 1953

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

Section 1. Section **63L-8-404** is enacted to read:



28 **63L-8-404. Valid existing right.**

29 (1) As used in this section, "valid existing right" means an interest in property that a
30 person secures by meeting the requirements of this section.

31 (2) A property right associated with a permit or lease to graze domestic livestock on
32 public lands is a valid existing right if the permit or lease holder:

33 (a) has a valid permit or lease issued by a federal agency that authorizes the permit or
34 lease holder to use the public lands for grazing domestic livestock;

35 (b) grazes the land in a manner consistent with sustained yield;

36 (c) is able to demonstrate that the resources of the land can support continued grazing;
37 and

38 (d) obtains the lease or permit and begins grazing livestock on the public lands before a
39 final decision by a federal agency to withdraw the public lands from use for livestock grazing.

40 Section 2. Section **63L-11-302** is amended to read:

41 **63L-11-302. Principles to be recognized and promoted.**

42 The office shall recognize and promote the following principles when preparing any
43 policies, plans, programs, processes, or desired outcomes relating to federal lands and natural
44 resources on federal lands under Section [63L-11-301](#):

45 (1) (a) the citizens of the state are best served by applying multiple-use and
46 sustained-yield principles in public land use planning and management; and

47 (b) multiple-use and sustained-yield management means that federal agencies should
48 develop and implement management plans and make other resource-use decisions that:

49 (i) achieve and maintain in perpetuity a high-level annual or regular periodic output of
50 mineral and various renewable resources from public lands;

51 (ii) support valid existing transportation, mineral, and grazing privileges at the highest
52 reasonably sustainable levels;

53 (iii) support the specific plans, programs, processes, and policies of state agencies and
54 local governments;

55 (iv) are designed to produce and provide the desired vegetation for the watersheds,
56 timber, food, fiber, livestock forage, wildlife forage, and minerals that are necessary to meet
57 present needs and future economic growth and community expansion without permanent
58 impairment of the productivity of the land;

- 59 (v) meet the recreational needs and the personal and business-related transportation
60 needs of the citizens of the state by providing access throughout the state;
- 61 (vi) meet the recreational needs of the citizens of the state;
- 62 (vii) meet the needs of wildlife;
- 63 (viii) provide for the preservation of cultural resources, both historical and
64 archaeological;
- 65 (ix) meet the needs of economic development;
- 66 (x) meet the needs of community development; and
- 67 (xi) provide for the protection of water rights;
- 68 (2) managing public lands for wilderness characteristics circumvents the statutory
69 wilderness process and is inconsistent with the multiple-use and sustained-yield management
70 standard that applies to all Bureau of Land Management and United States. Forest Service
71 lands that are not wilderness areas or wilderness study areas;
- 72 (3) all waters of the state are:
 - 73 (a) owned exclusively by the state in trust for the state's citizens;
 - 74 (b) are subject to appropriation for beneficial use; and
 - 75 (c) are essential to the future prosperity of the state and the quality of life within the
76 state;
- 77 (4) the state has the right to develop and use the state's entitlement to interstate rivers;
- 78 (5) all water rights desired by the federal government must be obtained through the
79 state water appropriation system;
- 80 (6) land management and resource-use decisions which affect federal lands should give
81 priority to and support the purposes of the compact between the state and the United States
82 related to school and institutional trust lands;
- 83 (7) development of the solid, fluid, and gaseous mineral resources of the state is an
84 important part of the economy of the state, and of local regions within the state;
- 85 (8) the state should foster and support industries that take advantage of the state's
86 outstanding opportunities for outdoor recreation;
- 87 (9) wildlife constitutes an important resource and provides recreational and economic
88 opportunities for the state's citizens;
- 89 (10) proper stewardship of the land and natural resources is necessary to ensure the

90 health of the watersheds, timber, forage, and wildlife resources to provide for a continuous
91 supply of resources for the people of the state and the people of the local communities who
92 depend on these resources for a sustainable economy;

93 (11) forests, rangelands, timber, and other vegetative resources:

94 (a) provide forage for livestock;

95 (b) provide forage and habitat for wildlife;

96 (c) provide resources for the state's timber and logging industries;

97 (d) contribute to the state's economic stability and growth; and

98 (e) are important for a wide variety of recreational pursuits;

99 (12) management programs and initiatives that improve watersheds and forests and
100 increase forage for the mutual benefit of wildlife species and livestock, logging, and other
101 agricultural industries by utilizing proven techniques and tools are vital to the state's economy
102 and the quality of life in the state; [~~and~~]

103 (13) (a) land management plans, programs, and initiatives should provide that the
104 amount of domestic livestock forage, expressed in animal unit months, for permitted, active
105 use as well as the wildlife forage included in that amount, be no less than the maximum
106 number of animal unit months sustainable by range conditions in grazing allotments and
107 districts, based on an on-the-ground and scientific analysis;

108 (b) the state opposes the relinquishment or retirement of grazing animal unit months in
109 favor of conservation, wildlife, and other uses;

110 (c) (i) the state favors the best management practices that are jointly sponsored by
111 cattlemen, sportsmen, and wildlife management groups such as chaining, logging, seeding,
112 burning, and other direct soil and vegetation prescriptions that are demonstrated to restore
113 forest and rangeland health, increase forage, and improve watersheds in grazing districts and
114 allotments for the benefit of domestic livestock and wildlife;

115 (ii) when practices described in Subsection (13)(c)(i) increase a grazing allotment's
116 forage beyond the total permitted forage use that was allocated to that allotment in the last
117 federal land use plan or allotment management plan still in existence as of January 1, 2005, a
118 reasonable and fair portion of the increase in forage beyond the previously allocated total
119 permitted use should be allocated to wildlife as recommended by a joint, evenly balanced
120 committee of livestock and wildlife representatives that is appointed and constituted by the

121 governor for that purpose; and

122 (iii) the state favors quickly and effectively adjusting wildlife population goals and
123 population census numbers in response to variations in the amount of available forage caused
124 by drought or other climatic adjustments, and state agencies responsible for managing wildlife
125 population goals and population census numbers will, when making those adjustments, give
126 due regard to both the needs of the livestock industry and the need to prevent the decline of
127 species to a point of listing under the terms of the Endangered Species Act;

128 (d) the state opposes the transfer of grazing animal unit months to wildlife for
129 supposed reasons of rangeland health;

130 (e) reductions in domestic livestock animal unit months must be temporary and
131 scientifically based upon rangeland conditions;

132 (f) policies, plans, programs, initiatives, resource management plans, and forest plans
133 may not allow the placement of grazing animal unit months in a suspended use category unless
134 there is a rational and scientific determination that the condition of the rangeland allotment or
135 district in question will not sustain the animal unit months sought to be placed in suspended
136 use;

137 (g) any grazing animal unit months that are placed in a suspended use category should
138 be returned to active use when range conditions improve;

139 (h) policies, plans, programs, and initiatives related to vegetation management should
140 recognize and uphold the preference for domestic grazing over alternate forage uses in
141 established grazing districts while upholding management practices that optimize and expand
142 forage for grazing and wildlife in conjunction with state wildlife management plans and
143 programs in order to provide maximum available forage for all uses; and

144 (i) in established grazing districts, animal unit months that have been reduced due to
145 rangeland health concerns should be restored to livestock when rangeland conditions improve,
146 and should not be converted to wildlife use[-]; and

147 (14) a permit or lease to graze livestock on public lands is a valid existing right for
148 purposes of federal land withdrawals when the permit or lease holder meets the requirements
149 described in Section [63L-8-404](#).

150 Section 3. **Effective date.**

151 This bill takes effect on May 1, 2024.