

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 ~~right~~ **[permit or lease]** allotment 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:



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 ~~Ĥ→ [permit or lease to graze domestic livestock]~~ **grazing allotment** ~~←Ĥ~~ on

public lands is a valid existing right if the ~~Ĥ→ [permit or lease holder]~~ **owner of the grazing allotment** ~~←Ĥ~~ :

(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 ~~Ĥ→ [resources of the land can support continued grazing]~~ **lands included in the grazing allotment covered by the permit are chiefly valuable for grazing** ~~←Ĥ~~ ;

and

(d) obtains ~~Ĥ→ the preference rights to~~ ~~←Ĥ~~ the lease or permit ~~Ĥ→ described in~~ **Subsection (2)(a)** ~~←Ĥ~~ 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.

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

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

The office shall recognize and promote the following principles when preparing any policies, plans, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands under Section **63L-11-301**:

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

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

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

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

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

(iv) are designed to produce and provide the desired vegetation for the watersheds, timber, food, fiber, livestock forage, wildlife forage, and minerals that are necessary to meet present needs and future economic growth and community expansion without permanent 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

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

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

(a) provide forage for livestock;

(b) provide forage and habitat for wildlife;

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

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

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

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

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

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

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

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

governor for that purpose; and

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

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

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

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

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

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

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

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

Section 3. **Effective date.**

This bill takes effect on May 1, 2024.