

LIVESTOCK GRAZING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: Scott D. Sandall

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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 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

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*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 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

- 29           lease holder to use the public lands for grazing domestic livestock;  
 30           (b) grazes the land in a manner consistent with sustained yield;  
 31           (c) is able to demonstrate that the lands included in the grazing allotment covered by the  
 32           permit are chiefly valuable for grazing; and  
 33           (d) obtains the preference rights to the lease or permit described in Subsection (2)(a) and  
 34           begins grazing livestock on the public lands before a final decision by a federal  
 35           agency to withdraw the public lands from use for livestock grazing.

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

37           **63L-11-302 . Principles to be recognized and promoted.**

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

- 41           (1) (a) the citizens of the state are best served by applying multiple-use and  
 42           sustained-yield principles in public land use planning and management; and  
 43           (b) multiple-use and sustained-yield management means that federal agencies should  
 44           develop and implement management plans and make other resource-use decisions  
 45           that:
- 46           (i) achieve and maintain in perpetuity a high-level annual or regular periodic output
  - 47           of mineral and various renewable resources from public lands;
  - 48           (ii) support valid existing transportation, mineral, and grazing privileges at the
  - 49           highest reasonably sustainable levels;
  - 50           (iii) support the specific plans, programs, processes, and policies of state agencies
  - 51           and local governments;
  - 52           (iv) are designed to produce and provide the desired vegetation for the watersheds,
  - 53           timber, food, fiber, livestock forage, wildlife forage, and minerals that are
  - 54           necessary to meet present needs and future economic growth and community
  - 55           expansion without permanent impairment of the productivity of the land;
  - 56           (v) meet the recreational needs and the personal and business-related transportation
  - 57           needs of the citizens of the state by providing access throughout the state;
  - 58           (vi) meet the recreational needs of the citizens of the state;
  - 59           (vii) meet the needs of wildlife;
  - 60           (viii) provide for the preservation of cultural resources, both historical and
  - 61           archaeological;
  - 62           (ix) meet the needs of economic development;

- 63 (x) meet the needs of community development; and  
64 (xi) provide for the protection of water rights;
- 65 (2) managing public lands for wilderness characteristics circumvents the statutory  
66 wilderness process and is inconsistent with the multiple-use and sustained-yield  
67 management standard that applies to all Bureau of Land Management and United States.  
68 Forest Service lands that are not wilderness areas or wilderness study areas;
- 69 (3) all waters of the state are:  
70 (a) owned exclusively by the state in trust for the state's citizens;  
71 (b) are subject to appropriation for beneficial use; and  
72 (c) are essential to the future prosperity of the state and the quality of life within the state;
- 73 (4) the state has the right to develop and use the state's entitlement to interstate rivers;
- 74 (5) all water rights desired by the federal government must be obtained through the state  
75 water appropriation system;
- 76 (6) land management and resource-use decisions which affect federal lands should give  
77 priority to and support the purposes of the compact between the state and the United  
78 States related to school and institutional trust lands;
- 79 (7) development of the solid, fluid, and gaseous mineral resources of the state is an  
80 important part of the economy of the state, and of local regions within the state;
- 81 (8) the state should foster and support industries that take advantage of the state's  
82 outstanding opportunities for outdoor recreation;
- 83 (9) wildlife constitutes an important resource and provides recreational and economic  
84 opportunities for the state's citizens;
- 85 (10) proper stewardship of the land and natural resources is necessary to ensure the health  
86 of the watersheds, timber, forage, and wildlife resources to provide for a continuous  
87 supply of resources for the people of the state and the people of the local communities  
88 who depend on these resources for a sustainable economy;
- 89 (11) forests, rangelands, timber, and other vegetative resources:  
90 (a) provide forage for livestock;  
91 (b) provide forage and habitat for wildlife;  
92 (c) provide resources for the state's timber and logging industries;  
93 (d) contribute to the state's economic stability and growth; and  
94 (e) are important for a wide variety of recreational pursuits;
- 95 (12) management programs and initiatives that improve watersheds and forests and increase  
96 forage for the mutual benefit of wildlife species and livestock, logging, and other

- 97 agricultural industries by utilizing proven techniques and tools are vital to the state's  
98 economy and the quality of life in the state; [~~and~~]
- 99 (13) (a) land management plans, programs, and initiatives should provide that the  
100 amount of domestic livestock forage, expressed in animal unit months, for permitted,  
101 active use as well as the wildlife forage included in that amount, be no less than the  
102 maximum number of animal unit months sustainable by range conditions in grazing  
103 allotments and districts, based on an on-the-ground and scientific analysis;
- 104 (b) the state opposes the relinquishment or retirement of grazing animal unit months in  
105 favor of conservation, wildlife, and other uses;
- 106 (c) (i) the state favors the best management practices that are jointly sponsored by  
107 cattlemen, sportsmen, and wildlife management groups such as chaining, logging,  
108 seeding, burning, and other direct soil and vegetation prescriptions that are  
109 demonstrated to restore forest and rangeland health, increase forage, and improve  
110 watersheds in grazing districts and allotments for the benefit of domestic livestock  
111 and wildlife;
- 112 (ii) when practices described in Subsection (13)(c)(i) increase a grazing allotment's  
113 forage beyond the total permitted forage use that was allocated to that allotment in  
114 the last federal land use plan or allotment management plan still in existence as of  
115 January 1, 2005, a reasonable and fair portion of the increase in forage beyond the  
116 previously allocated total permitted use should be allocated to wildlife as  
117 recommended by a joint, evenly balanced committee of livestock and wildlife  
118 representatives that is appointed and constituted by the governor for that purpose;  
119 and
- 120 (iii) the state favors quickly and effectively adjusting wildlife population goals and  
121 population census numbers in response to variations in the amount of available  
122 forage caused by drought or other climatic adjustments, and state agencies  
123 responsible for managing wildlife population goals and population census  
124 numbers will, when making those adjustments, give due regard to both the needs  
125 of the livestock industry and the need to prevent the decline of species to a point  
126 of listing under the terms of the Endangered Species Act;
- 127 (d) the state opposes the transfer of grazing animal unit months to wildlife for supposed  
128 reasons of rangeland health;
- 129 (e) reductions in domestic livestock animal unit months must be temporary and  
130 scientifically based upon rangeland conditions;

- 131 (f) policies, plans, programs, initiatives, resource management plans, and forest plans  
132 may not allow the placement of grazing animal unit months in a suspended use  
133 category unless there is a rational and scientific determination that the condition of  
134 the rangeland allotment or district in question will not sustain the animal unit months  
135 sought to be placed in suspended use;
- 136 (g) any grazing animal unit months that are placed in a suspended use category should  
137 be returned to active use when range conditions improve;
- 138 (h) policies, plans, programs, and initiatives related to vegetation management should  
139 recognize and uphold the preference for domestic grazing over alternate forage uses  
140 in established grazing districts while upholding management practices that optimize  
141 and expand forage for grazing and wildlife in conjunction with state wildlife  
142 management plans and programs in order to provide maximum available forage for  
143 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  
146 improve, and should not be converted to wildlife use[-] ; and

147 (14) a grazing allotment on federal public lands is a valid existing right for purposes of  
148 federal land withdrawals when the owner of the grazing allotment meets the  
149 requirements described in Section 63L-8-404.

150 Section 3. **Effective date.**

151 This bill takes effect on May 1, 2024.