

PUBLIC LAND USE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: _____

LONG TITLE

General Description:

This bill changes provisions relating to public land use in the state.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Public Lands Policy Coordinating Office to recognize and promote principles of multiple use and sustained yield on federal public lands within the state; and
- ▶ prohibits natural asset companies from purchasing or leasing state public lands.

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

63L-13-101, as enacted by Laws of Utah 2023, Chapter 61

ENACTS:

63L-13-203, Utah Code Annotated 1953



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

29 Section 1. Section **63L-11-302** is amended to read:

30 **63L-11-302. Principles to be recognized and promoted.**

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

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

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

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

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

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

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

48 (v) meet the recreational needs and the personal and business-related transportation
49 needs of the citizens of the state by providing access throughout the state;

50 (vi) meet the recreational needs of the citizens of the state;

51 (vii) meet the needs of wildlife;

52 (viii) provide for the preservation of cultural resources, both historical and
53 archaeological;

54 (ix) meet the needs of economic development;

55 (x) meet the needs of community development; and

56 (xi) provide for the protection of water rights;

57 (2) managing public lands for wilderness characteristics circumvents the statutory
58 wilderness process and is inconsistent with the multiple-use and sustained-yield management

59 standard that applies to all Bureau of Land Management and United States. Forest Service
60 lands that are not wilderness areas or wilderness study areas;

61 (3) all waters of the state are:

62 (a) owned exclusively by the state in trust for the state's citizens;

63 (b) are subject to appropriation for beneficial use; and

64 (c) are essential to the future prosperity of the state and the quality of life within the
65 state;

66 (4) the state has the right to develop and use the state's entitlement to interstate rivers;

67 (5) all water rights desired by the federal government must be obtained through the
68 state water appropriation system;

69 (6) land management and resource-use decisions which affect federal lands should give
70 priority to and support the purposes of the compact between the state and the United States
71 related to school and institutional trust lands;

72 (7) development of the solid, fluid, and gaseous mineral resources of the state is an
73 important part of the economy of the state, and of local regions within the state;

74 (8) the state should foster and support industries that take advantage of the state's
75 outstanding opportunities for outdoor recreation;

76 (9) wildlife constitutes an important resource and provides recreational and economic
77 opportunities for the state's citizens;

78 (10) proper stewardship of the land and natural resources is necessary to ensure the
79 health of the watersheds, timber, forage, and wildlife resources to provide for a continuous
80 supply of resources for the people of the state and the people of the local communities who
81 depend on these resources for a sustainable economy;

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

83 (a) provide forage for livestock;

84 (b) provide forage and habitat for wildlife;

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

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

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

88 (12) management programs and initiatives that improve watersheds and forests and
89 increase forage for the mutual benefit of wildlife species and livestock, logging, and other

90 agricultural industries by utilizing proven techniques and tools are vital to the state's economy
91 and the quality of life in the state; and

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

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

99 (c) the state supports the multiple-use, sustained-yield framework required by federal
100 law for management of public lands and opposes federal prioritization of conservation as a use
101 equal to other productive uses of public lands;

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

107 (ii) when practices described in Subsection [~~(13)(c)(i)~~] (13)(d)(i) increase a grazing
108 allotment's forage beyond the total permitted forage use that was allocated to that allotment in
109 the last federal land use plan or allotment management plan still in existence as of January 1,
110 2005, a reasonable and fair portion of the increase in forage beyond the previously allocated
111 total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced
112 committee of livestock and wildlife representatives that is appointed and constituted by the
113 governor for that purpose; and

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

120 [~~(d)~~] (e) the state opposes the transfer of grazing animal unit months to wildlife for

121 supposed reasons of rangeland health;

122 ~~[(e)]~~ (f) reductions in domestic livestock animal unit months must be temporary and
123 scientifically based upon rangeland conditions;

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

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

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

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

139 Section 2. Section **63L-13-101** is amended to read:

140 **63L-13-101. Definitions.**

141 As used in this chapter:

142 (1) (a) "Conservation lease" means a lease on a parcel of public land that:

143 (i) restricts the use of the parcel for the sole or primary purpose of preserving or
144 protecting the land or the land's natural resources;

145 (ii) prohibits the extraction of the land's natural resources; or

146 (iii) is managed according to an agreement that contradicts the principles of multiple
147 use and sustained yield, including the multiple-use, sustained-yield principles in the Federal
148 Land Policy and Management Act, 43 U.S.C. 1732, and the National Forest Management Act,
149 16 U.S.C. 1604.

150 (b) "Conservation lease" includes a lease that is substantially similar to a lease
151 described in Subsection (1)(a).

152 (c) "Conservation lease" does not include a conservation easement, as that term is
153 defined in Section 57-18-2.

154 (2) (a) "Ecosystem services" mean the natural and biological processes on a parcel of
155 land that benefit human well-being and quality of life.

156 (b) "Ecosystem services" include the:

157 (i) conversion of carbon dioxide to oxygen in plants through photosynthesis;

158 (ii) purification of in-stream surface water or groundwater by naturally-occurring
159 microorganisms, soil or bedrock percolation, or chemical detoxification; and

160 (iii) noncommercial recreational benefit of natural lands.

161 ~~[(1)]~~ (3) "Interest in land" means any right, title, lien, claim, interest, or estate with
162 respect to land.

163 ~~[(2)]~~ (4) (a) "Land" means all real property within the state.

164 (b) "Land" includes:

165 (i) agricultural land, as defined in Section 4-46-102;

166 (ii) land owned or controlled by a political subdivision;

167 (iii) land owned or controlled by a school district;

168 (iv) non-federal land, as defined in Section 9-9-402;

169 (v) private land;

170 (vi) public land;

171 (vii) state land, as defined in Subsection 9-9-402(14)(a);

172 (viii) waters of the state, as defined in Subsection 19-5-102(23)(a); and

173 (ix) subsurface land.

174 (c) "Land" does not include real property that is owned, controlled, or held in trust by
175 the federal government.

176 (5) (a) "Natural asset company" means a company that has the meaning given under the
177 notice of the Securities and Exchange Commission titled Notice of Filing of Proposed Rule
178 Change To Amend the NYSE Listed Company Manual To Adopt Listing Standards for Natural
179 Asset Companies, 88 Fed. Reg. 68811, published October 4, 2023.

180 (b) "Natural asset company" includes a company that is substantially similar to a
181 company described in Subsection (5)(a).

182 ~~[(3)]~~ (6) "Restricted foreign entity" means:

183 (a) a company that the United States Secretary of Defense is required to identify and
184 report as a military company under Section 1260H of the William M. (Mac) Thornberry
185 National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283;

186 (b) an affiliate, subsidiary, or holding company of a company described in Subsection
187 ~~[(3)(a)]~~ (6)(a);

188 (c) a country with a commercial or defense industrial base of which a company
189 described in Subsection ~~[(3)(a)]~~ (6)(a) or (b) is a part;

190 (d) a state, province, region, prefecture, subdivision, or municipality of a country
191 described in Subsection ~~[(3)(c)]~~ (6)(c); and

192 (e) an agency, bureau, committee, or department of a country described in Subsection
193 ~~[(3)(c)]~~ (6)(c).

194 Section 3. Section **63L-13-203** is enacted to read:

195 **63L-13-203. Natural asset companies prohibited.**

196 (1) A natural asset company may not purchase or lease state public lands.

197 (2) On public lands within the state, a natural asset company may not:

198 (a) own or manage a conservation lease; or

199 (b) purchase or lease ecosystem services.

200 Section 4. **Effective date.**

201 This bill takes effect on May 1, 2024.