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PUBLIC LAND USE AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Carl R. Albrecht
Senate Sponsor: Heidi Balderree

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

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

Section 1. 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:

- 29 (1) (a) the citizens of the state are best served by applying multiple-use and
30 sustained-yield principles in public land use planning and management; and
31 (b) multiple-use and sustained-yield management means that federal agencies should
32 develop and implement management plans and make other resource-use decisions
33 that:
- 34 (i) achieve and maintain in perpetuity a high-level annual or regular periodic output
35 of mineral and various renewable resources from public lands;
 - 36 (ii) support valid existing transportation, mineral, and grazing privileges at the
37 highest reasonably sustainable levels;
 - 38 (iii) support the specific plans, programs, processes, and policies of state agencies
39 and local governments;
 - 40 (iv) are designed to produce and provide the desired vegetation for the watersheds,
41 timber, food, fiber, livestock forage, wildlife forage, and minerals that are
42 necessary to meet present needs and future economic growth and community
43 expansion without permanent impairment of the productivity of the land;
 - 44 (v) meet the recreational needs and the personal and business-related transportation
45 needs of the citizens of the state by providing access throughout the state;
 - 46 (vi) meet the recreational needs of the citizens of the state;
 - 47 (vii) meet the needs of wildlife;
 - 48 (viii) provide for the preservation of cultural resources, both historical and
49 archaeological;
 - 50 (ix) meet the needs of economic development;
 - 51 (x) meet the needs of community development; and
 - 52 (xi) provide for the protection of water rights;
- 53 (2) managing public lands for wilderness characteristics circumvents the statutory
54 wilderness process and is inconsistent with the multiple-use and sustained-yield
55 management standard that applies to all Bureau of Land Management and United States.
56 Forest Service lands that are not wilderness areas or wilderness study areas;
- 57 (3) all waters of the state are:
- 58 (a) owned exclusively by the state in trust for the state's citizens;
 - 59 (b) are subject to appropriation for beneficial use; and
 - 60 (c) are essential to the future prosperity of the state and the quality of life within the state;
- 61 (4) the state has the right to develop and use the state's entitlement to interstate rivers;
- 62 (5) all water rights desired by the federal government must be obtained through the state

- 63 water appropriation system;
- 64 (6) land management and resource-use decisions which affect federal lands should give
65 priority to and support the purposes of the compact between the state and the United
66 States related to school and institutional trust lands;
- 67 (7) development of the solid, fluid, and gaseous mineral resources of the state is an
68 important part of the economy of the state, and of local regions within the state;
- 69 (8) the state should foster and support industries that take advantage of the state's
70 outstanding opportunities for outdoor recreation;
- 71 (9) wildlife constitutes an important resource and provides recreational and economic
72 opportunities for the state's citizens;
- 73 (10) proper stewardship of the land and natural resources is necessary to ensure the health
74 of the watersheds, timber, forage, and wildlife resources to provide for a continuous
75 supply of resources for the people of the state and the people of the local communities
76 who depend on these resources for a sustainable economy;
- 77 (11) forests, rangelands, timber, and other vegetative resources:
- 78 (a) provide forage for livestock;
- 79 (b) provide forage and habitat for wildlife;
- 80 (c) provide resources for the state's timber and logging industries;
- 81 (d) contribute to the state's economic stability and growth; and
- 82 (e) are important for a wide variety of recreational pursuits;
- 83 (12) management programs and initiatives that improve watersheds and forests and increase
84 forage for the mutual benefit of wildlife species and livestock, logging, and other
85 agricultural industries by utilizing proven techniques and tools are vital to the state's
86 economy and the quality of life in the state; and
- 87 (13) (a) land management plans, programs, and initiatives should provide that the
88 amount of domestic livestock forage, expressed in animal unit months, for permitted,
89 active use as well as the wildlife forage included in that amount, be no less than the
90 maximum number of animal unit months sustainable by range conditions in grazing
91 allotments and districts, based on an on-the-ground and scientific analysis;
- 92 (b) the state opposes the relinquishment or retirement of grazing animal unit months in
93 favor of conservation, wildlife, and other uses;
- 94 (c) the state supports the multiple-use, sustained-yield framework required by federal
95 law for management of public lands and opposes federal prioritization of
96 conservation as a use equal to other productive uses of public lands;

- 97 ~~[(e)]~~ (d) (i) the state favors the best management practices that are jointly sponsored
98 by cattlemen, sportsmen, and wildlife management groups such as chaining,
99 logging, seeding, burning, and other direct soil and vegetation prescriptions that
100 are demonstrated to restore forest and rangeland health, increase forage, and
101 improve watersheds in grazing districts and allotments for the benefit of domestic
102 livestock and wildlife;
- 103 (ii) when practices described in Subsection ~~[(13)(e)(i)]~~ (13)(d)(i) increase a grazing
104 allotment's forage beyond the total permitted forage use that was allocated to that
105 allotment in the last federal land use plan or allotment management plan still in
106 existence as of January 1, 2005, a reasonable and fair portion of the increase in
107 forage beyond the previously allocated total permitted use should be allocated to
108 wildlife as recommended by a joint, evenly balanced committee of livestock and
109 wildlife representatives that is appointed and constituted by the governor for that
110 purpose; and
- 111 (iii) the state favors quickly and effectively adjusting wildlife population goals and
112 population census numbers in response to variations in the amount of available
113 forage caused by drought or other climatic adjustments, and state agencies
114 responsible for managing wildlife population goals and population census
115 numbers will, when making those adjustments, give due regard to both the needs
116 of the livestock industry and the need to prevent the decline of species to a point
117 of listing under the terms of the Endangered Species Act;
- 118 ~~[(d)]~~ (e) the state opposes the transfer of grazing animal unit months to wildlife for
119 supposed reasons of rangeland health;
- 120 ~~[(e)]~~ (f) reductions in domestic livestock animal unit months must be temporary and
121 scientifically based upon rangeland conditions;
- 122 ~~[(f)]~~ (g) policies, plans, programs, initiatives, resource management plans, and forest
123 plans may not allow the placement of grazing animal unit months in a suspended use
124 category unless there is a rational and scientific determination that the condition of
125 the rangeland allotment or district in question will not sustain the animal unit months
126 sought to be placed in suspended use;
- 127 ~~[(g)]~~ (h) any grazing animal unit months that are placed in a suspended use category
128 should be returned to active use when range conditions improve;
- 129 ~~[(h)]~~ (i) policies, plans, programs, and initiatives related to vegetation management
130 should recognize and uphold the preference for domestic grazing over alternate

131 forage uses in established grazing districts while upholding management practices
132 that optimize and expand forage for grazing and wildlife in conjunction with state
133 wildlife management plans and programs in order to provide maximum available
134 forage for all uses; and
135 ~~[(†)]~~ (j) in established grazing districts, animal unit months that have been reduced due to
136 rangeland health concerns should be restored to livestock when rangeland conditions
137 improve, and should not be converted to wildlife use.

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

139 **63L-13-101 . Definitions.**

140 As used in this chapter:

- 141 (1) (a) "Conservation lease" means a lease on a parcel of public land that:
142 (i) restricts the use of the parcel for the sole or primary purpose of preserving or
143 protecting the land or the land's natural resources;
144 (ii) prohibits the extraction of the land's natural resources; or
145 (iii) is managed according to an agreement that contradicts the principles of multiple
146 use and sustained yield, including the multiple-use, sustained-yield principles in
147 the Federal Land Policy and Management Act, 43 U.S.C. Sec. 1732, and the
148 National Forest Management Act, 16 U.S.C. Sec. 1604.
149 (b) "Conservation lease" includes a lease that is wholly or partially similar to a lease
150 described in Subsection (1)(a).
151 (c) "Conservation lease" does not include a conservation easement, as that term is
152 defined in Section 57-18-2.
153 (2) (a) "Ecosystem services" mean the natural and biological processes on a parcel of
154 land that benefit human well-being and quality of life.
155 (b) "Ecosystem services" include the:
156 (i) conversion of carbon dioxide to oxygen in plants through photosynthesis;
157 (ii) purification of in-stream surface water or groundwater by naturally-occurring
158 microorganisms, soil or bedrock percolation, or chemical detoxification; and
159 (iii) noncommercial recreational benefit of natural lands.
160 ~~[(†)]~~ (3) "Interest in land" means any right, title, lien, claim, interest, or estate with respect
161 to land.
162 ~~[(2)]~~ (4) (a) "Land" means all real property within the state.
163 (b) "Land" includes:
164 (i) agricultural land, as defined in Section 4-46-102;

- 165 (ii) land owned or controlled by a political subdivision;
- 166 (iii) land owned or controlled by a school district;
- 167 (iv) non-federal land, as defined in Section 9-9-402;
- 168 (v) private land;
- 169 (vi) public land;
- 170 (vii) state land, as defined in Subsection 9-9-402(14)(a);
- 171 (viii) waters of the state, as defined in Subsection 19-5-102(23)(a); and
- 172 (ix) subsurface land.
- 173 (c) "Land" does not include real property that is owned, controlled, or held in trust by
- 174 the federal government.
- 175 (5) (a) "Natural asset company" means a company that has the meaning given under the
- 176 notice of the Securities and Exchange Commission titled Notice of Filing of
- 177 Proposed Rule Change To Amend the NYSE Listed Company Manual To Adopt
- 178 Listing Standards for Natural Asset Companies, 88 Fed. Reg. 68811, published
- 179 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)
- 185 Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. No.
- 186 116-283;
- 187 (b) an affiliate, subsidiary, or holding company of a company described in Subsection [
- 188 ~~(3)(a)~~] (6)(a);
- 189 (c) a country with a commercial or defense industrial base of which a company
- 190 described in Subsection [~~(3)(a)~~] (6)(a) or (b) is a part;
- 191 (d) a state, province, region, prefecture, subdivision, or municipality of a country
- 192 described in Subsection [~~(3)(e)~~] (6)(c); and
- 193 (e) an agency, bureau, committee, or department of a country described in Subsection [
- 194 ~~(3)(e)~~] (6)(c).
- 195 Section 3. Section **63L-13-203** is enacted to read:
- 196 **63L-13-203 . Natural asset companies prohibited.**
- 197 (1) A natural asset company may not purchase or lease state public lands.
- 198 (2) On public lands within the state, a natural asset company may not:

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

200 (b) purchase or lease ecosystem services.

201 Section 4. **Effective date.**

202 This bill takes effect on May 1, 2024.