

Calendar No. 392113TH CONGRESS
2^D SESSION**S. 258****[Report No. 113-166]**

To amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2013

Mr. BARRASSO (for himself, Mr. ENZI, Mr. CRAPO, Mr. HATCH, Mr. HELLER, Mr. LEE, Mr. RISCH, Mr. HOEVEN, and Mr. FLAKE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MAY 22, 2014

Reported by Ms. LANDRIEU, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Grazing Improvement
3 Act”.

4 **SEC. 2. TERMS OF GRAZING PERMITS AND LEASES.**

5 Section 402 of the Federal Land Policy and Manage-
6 ment Act of 1976 (43 U.S.C. 1752) is amended—

7 (1) by striking “ten years” each place it ap-
8 pears and inserting “20 years”; and

9 (2) in subsection (b)—

10 (A) by striking “or” at the end of each of
11 paragraphs (1) and (2);

12 (B) in paragraph (3), by striking the pe-
13 riod at the end and inserting “; or”; and

14 (C) by adding at the end the following:

15 “(4) the initial environmental analysis under
16 National Environmental Policy Act of 1969 (42
17 U.S.C. 4321 et seq.) regarding a grazing allotment,
18 permit, or lease has not been completed.”.

19 **SEC. 3. RENEWAL, TRANSFER, AND REISSUANCE OF GRAZ-
20 ING PERMITS AND LEASES.**

21 Title IV of the Federal Land Policy and Management
22 Act of 1976 (43 U.S.C. 1751 et seq.) is amended by add-
23 ing at the end the following:

24 **“SEC. 405. RENEWAL, TRANSFER, AND REISSUANCE OF
25 GRAZING PERMITS AND LEASES.**

26 “(a) **DEFINITIONS.**—In this section:

1 “(1) CURRENT GRAZING MANAGEMENT.—The
2 term ‘current grazing management’ means grazing
3 in accordance with the terms and conditions of an
4 existing permit or lease and includes any modifica-
5 tions that are consistent with an applicable Depart-
6 ment of the Interior resource management plan or
7 Department of Agriculture land use plan.

8 “(2) SECRETARY CONCERNED.—The term ‘Sec-
9 retary concerned’ means—

10 “(A) the Secretary of Agriculture, with re-
11 spect to National Forest System land; and

12 “(B) the Secretary of the Interior, with re-
13 spect to land under the jurisdiction of the De-
14 partment of the Interior.

15 “(b) RENEWAL, TRANSFER, REISSUANCE, AND
16 PENDING PROCESSING.—A grazing permit or lease issued
17 by the Secretary of the Interior, or a grazing permit issued
18 by the Secretary of Agriculture regarding National Forest
19 System land, that expires, is transferred, or is waived shall
20 be renewed or reissued under, as appropriate—

21 “(1) section 402;

22 “(2) section 19 of the Act of April 24, 1950
23 (commonly known as the ‘Granger-Thye Act’; 16
24 U.S.C. 5801);

1 ~~“(3) title III of the Bankhead-Jones Farm Ten-~~
2 ~~ant Act (7 U.S.C. 1010 et seq.); or~~

3 ~~“(4) section 510 the California Desert Protec-~~
4 ~~tion Act of 1994 (16 U.S.C. 410aaa-50).~~

5 ~~“(e) TERMS; CONDITIONS.—The terms and condi-~~
6 ~~tions (except the termination date) contained in an ex-~~
7 ~~pired, transferred, or waived permit or lease described in~~
8 ~~subsection (b) shall continue in effect under a renewed or~~
9 ~~reissued permit or lease until the date on which the Sec-~~
10 ~~retary concerned completes the processing of the renewed~~
11 ~~or reissued permit or lease that is the subject of the ex-~~
12 ~~pired, transferred, or waived permit or lease, in compli-~~
13 ~~ance with each applicable law.~~

14 ~~“(d) CANCELLATION; SUSPENSION; MODIFICA-~~
15 ~~TION.—Notwithstanding subsection (c), a permit or lease~~
16 ~~described in subsection (b) may be cancelled, suspended,~~
17 ~~or modified in accordance with applicable law.~~

18 ~~“(e) RENEWAL TRANSFER REISSUANCE AFTER~~
19 ~~PROCESSING.—When the Secretary concerned has com-~~
20 ~~pleted the processing of the renewed or reissued permit~~
21 ~~or lease that is the subject of the expired, transferred, or~~
22 ~~waived permit or lease, the Secretary concerned shall~~
23 ~~renew or reissue the permit or lease for a term of 20 years~~
24 ~~after completion of processing.~~

1 “(f) COMPLIANCE WITH NATIONAL ENVIRONMENTAL
2 POLICY ACT OF 1969.—The renewal, reissuance, or trans-
3 fer of a grazing permit or lease by the Secretary concerned
4 shall be categorically excluded from the requirement to
5 prepare an environmental assessment or an environmental
6 impact statement if—

7 “(1) the decision to renew, reissue, or transfer
8 continues the current grazing management of the al-
9 lotment;

10 “(2) monitoring of the allotment has indicated
11 that the current grazing management has met, or
12 has satisfactorily progressed towards meeting, objec-
13 tives contained in the land use and resource manage-
14 ment plan of the allotment, as determined by the
15 Secretary concerned; or

16 “(3) the decision is consistent with the policy of
17 the Department of the Interior or the Department
18 of Agriculture, as appropriate, regarding extraor-
19 dinary circumstances.

20 “(g) PRIORITY AND TIMING FOR COMPLETING ENVI-
21 RONMENTAL ANALYSES.—The Secretary concerned, in the
22 sole discretion of the Secretary concerned, shall determine
23 the priority and timing for completing each required envi-
24 ronmental analysis regarding any grazing allotment, per-
25 mit, or lease based on the environmental significance of

1 the allotment, permit, or lease and available funding for
2 that purpose.

3 ~~“(h) NEPA EXEMPTIONS.—The National Environ-~~
4 ~~mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall~~
5 ~~not apply to the following:~~

6 ~~“(1) Crossing and trailing authorizations of do-~~
7 ~~mestic livestock.~~

8 ~~“(2) Transfer of grazing preference.”.~~

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Grazing Improvement*
11 *Act”.*

12 **SEC. 2. TERMS OF GRAZING PERMITS AND LEASES.**

13 *Section 402 of the Federal Land Policy and Manage-*
14 *ment Act of 1976 (43 U.S.C. 1752) is amended—*

15 *(1) in subsection (a)—*

16 *(A) by striking “Except as” and inserting*
17 *the following:*

18 ~~“(1) IN GENERAL.—Except as”; and~~

19 *(B) in paragraph (1) (as designated by sub-*
20 *paragraph (A)), by striking “ten years subject”*
21 *and inserting the following: “ 10 years, up to a*
22 *maximum term of 20 years, if the Secretary con-*
23 *cerned—*

1 “(i) has assessed and evaluated the
2 grazing allotment associated with the per-
3 mit or lease; and

4 “(ii) based on the assessment and eval-
5 uation under clause (i), has determined that
6 the grazing allotment is—

7 “(I) with respect to public land
8 administered by the Secretary of the
9 Interior, meeting land health stand-
10 ards; or

11 “(II) with respect to National
12 Forest System land administered by
13 the Secretary of Agriculture, meeting
14 objectives in the applicable land and
15 resource management plan.

16 “(2) CANCELLATION, SUSPENSION, AND MODI-
17 FICATION.—The permit or lease shall be subject”;

18 (2) in subsection (c)—

19 (A) by redesignating paragraphs (1), (2),
20 and (3) as subparagraphs (A), (B), and (C), re-
21 spectively;

22 (B) by striking “So long as” and inserting
23 the following:

1 “(1) *RENEWAL OF EXPIRING OR TRANSFERRED*
2 *PERMIT OR LEASE.—During any period in which*”;
3 *and*

4 *(C) by adding at the end the following:*

5 “(2) *CONTINUATION OF TERMS UNDER NEW PER-*
6 *MIT OR LEASE.—The terms and conditions in a graz-*
7 *ing permit or lease that has expired, or was termi-*
8 *nated due to a grazing preference transfer, shall be*
9 *continued under a new permit or lease until the date*
10 *on which the Secretary concerned completes any envi-*
11 *ronmental analysis and documentation for the permit*
12 *or lease required under the National Environmental*
13 *Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other*
14 *applicable laws.*

15 “(3) *COMPLETION OF PROCESSING.—As of the*
16 *date on which the Secretary concerned completes the*
17 *processing of a grazing permit or lease in accordance*
18 *with paragraph (2), the permit or lease may be can-*
19 *celed, suspended, or modified, in whole or in part.*

20 “(4) *ENVIRONMENTAL REVIEWS.—The Secretary*
21 *concerned shall seek to conduct environmental reviews*
22 *on an allotment or multiple allotment basis, to the ex-*
23 *tent practicable, if the allotments share similar eco-*
24 *logical conditions, for purposes of compliance with the*

1 *National Environmental Policy Act of 1969 (42*
2 *U.S.C. 4321 et seq.) and other applicable laws.”;*

3 *(3) by redesignating subsection (h) as subsection*
4 *(j); and*

5 *(4) by inserting after subsection (g) the fol-*
6 *lowing:*

7 “*(h) NATIONAL ENVIRONMENTAL POLICY ACT OF*
8 *1969.—*

9 “*(1) IN GENERAL.—The issuance of a grazing*
10 *permit or lease by the Secretary concerned may be*
11 *categorically excluded from the requirement to pre-*
12 *pare an environmental assessment or an environ-*
13 *mental impact statement under the National Envi-*
14 *ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
15 *if—*

16 “*(A) the issued permit or lease continues the*
17 *current grazing management of the allotment;*
18 *and*

19 “*(B) the Secretary concerned—*

20 “*(i) has assessed and evaluated the*
21 *grazing allotment associated with the lease*
22 *or permit; and*

23 “*(ii) based on the assessment and eval-*
24 *uation under clause (i), has determined that*
25 *the allotment—*

1 “(I) with respect to public land
2 administered by the Secretary of the
3 Interior—

4 “(aa) is meeting land health
5 standards; or

6 “(bb) is not meeting land
7 health standards due to factors
8 other than existing livestock graz-
9 ing; or

10 “(II) with respect to National
11 Forest System land administered by
12 the Secretary of Agriculture—

13 “(aa) is meeting objectives in
14 the applicable land and resource
15 management plan; or

16 “(bb) is not meeting the ob-
17 jectives in the applicable land re-
18 source management plan due to
19 factors other than existing live-
20 stock grazing.

21 “(2) TRAILING AND CROSSING.—The trailing
22 and crossing of livestock across public land and Na-
23 tional Forest System land and the implementation of
24 trailing and crossing practices by the Secretary con-
25 cerned may be categorically excluded from the re-

1 *quirement to prepare an environmental assessment or*
 2 *an environmental impact statement under the Na-*
 3 *tional Environmental Policy Act of 1969 (42 U.S.C.*
 4 *4321 et seq.).*

5 *“(i) PRIORITY AND TIMING FOR COMPLETION OF ENVI-*
 6 *RONMENTAL ANALYSES.—The Secretary concerned, in the*
 7 *sole discretion of the Secretary concerned, shall determine*
 8 *the priority and timing for completing each required envi-*
 9 *ronmental analysis with respect to a grazing allotment, per-*
 10 *mit, or lease based on—*

11 *“(1) the environmental significance of the graz-*
 12 *ing allotment, permit, or lease; and*

13 *“(2) the available funding for the environmental*
 14 *analysis.”.*

15 **SEC. 3. VOLUNTARY RELINQUISHMENT OF GRAZING PER-**
 16 **MITS OR LEASES.**

17 *Title IV of the Federal Land Policy and Management*
 18 *Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding*
 19 *at the end the following:*

20 **“SEC. 405. VOLUNTARILY RELINQUISHMENT PILOT PRO-**
 21 **GRAM. —**

22 *“(a) IN GENERAL.—There is established in the Depart-*
 23 *ment of the Interior and the Department of Agriculture a*
 24 *pilot program that—*

1 “(1) *authorizes the voluntary relinquishment of*
2 *grazing permits or leases in the eligible States speci-*
3 *fied in subsection (f); and*

4 “(2) *provides that grazing permits or leases vol-*
5 *untarily relinquished under this section shall be per-*
6 *manently retired from further grazing authorization.*

7 “(b) *ACCEPTANCE BY SECRETARY AND SECRETARY OF*
8 *AGRICULTURE.—*

9 “(1) *IN GENERAL.—Subject to paragraph (2),*
10 *within the eligible States specified in subsection (f)—*

11 “(A) *the Secretary shall accept the vol-*
12 *untary relinquishment of any valid permits or*
13 *leases authorizing grazing on public land; and*

14 “(B) *the Secretary of Agriculture shall ac-*
15 *cept the voluntary relinquishment of any valid*
16 *permits or leases authorizing grazing on land in*
17 *the National Forest System.*

18 “(2) *LIMITATION.—Notwithstanding paragraph*
19 *(1), the Secretary and the Secretary of Agriculture*
20 *shall not accept the voluntarily relinquishment of*
21 *more than 25 grazing permits or leases per year in*
22 *each of the eligible States specified in subsection (f).*

23 “(c) *TERMINATION.—With respect to each permit or*
24 *lease voluntarily relinquished under subsection (a), the Sec-*
25 *retary concerned shall—*

1 “(1) terminate the grazing permit or lease; and

2 “(2) except as provided in subsection (d), ensure
3 a permanent end to grazing on the land covered by
4 the permit or lease.

5 “(d) COMMON ALLOTMENTS.—

6 “(1) IN GENERAL.—If the land covered by a
7 grazing permit or lease that has been voluntarily re-
8 linquished under subsection (a) is also covered by an-
9 other valid existing grazing permit or lease that is
10 not voluntarily relinquished under subsection (a), the
11 Secretary concerned shall reduce the authorized graz-
12 ing level on the land covered by the permit or lease
13 to reflect the relinquishment of the grazing permit or
14 lease.

15 “(2) AUTHORIZED LEVEL.—To ensure that there
16 is a permanent reduction in the level of grazing on
17 the land covered by a grazing permit or lease that has
18 been voluntarily relinquished under subsection (a),
19 the Secretary shall not allow grazing use to exceed the
20 authorized level established under paragraph (1).

21 “(3) PARTIAL RELINQUISHMENT.—

22 “(A) IN GENERAL.—If a person holding a
23 valid grazing permit or lease voluntarily relin-
24 quishes less than the full level of grazing use au-

1 *thorized under the permit or lease, the Secretary*
2 *concerned shall—*

3 *“(i) reduce the authorized grazing level*
4 *to reflect the voluntarily relinquishment;*
5 *and*

6 *“(ii) modify the grazing permit or*
7 *lease to reflect the revised level of use.*

8 *“(B) AUTHORIZED LEVEL.—To ensure that*
9 *there is a permanent reduction in the authorized*
10 *level of grazing on the land covered by a permit*
11 *or lease which has been voluntarily relinquished*
12 *under subparagraph (A), the Secretary shall not*
13 *allow grazing use to exceed the authorized level*
14 *established under that subparagraph.*

15 *“(e) ANNUAL REPORT.—*

16 *“(1) IN GENERAL.—The Secretary, in collabora-*
17 *tion with the Secretary of Agriculture, shall prepare*
18 *an annual report on the pilot program that assesses*
19 *the activities undertaken under the pilot program*
20 *during the preceding year, including the number and*
21 *location of grazing permits and leases that were vol-*
22 *untarily relinquished during the preceding year.*

23 *“(2) SUBMISSION TO CONGRESS.—The Secretary*
24 *shall submit the annual report prepared under para-*
25 *graph (1) to—*

1 “(A) *the Committee on Energy and Natural*
2 *Resources of the Senate; and*

3 “(B) *the Committee on Natural Resources of*
4 *the House of Representatives.*

5 “(f) *ELIGIBLE STATES.—The authority of the Sec-*
6 *retary and the Secretary of Agriculture to accept voluntary*
7 *relinquishments in accordance with this section shall be*
8 *limited to grazing allotments in the States of New Mexico*
9 *and Oregon.”.*

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113TH CONGRESS
2^D SESSION

S. 258

[Report No. 113-166]

A BILL

To amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes.

MAY 22, 2014

Reported with an amendment