

117TH CONGRESS  
1ST SESSION

# S. 1214

To amend the Federal Land Policy and Management Act of 1976 to authorize the Secretary of the Interior and the Secretary of Agriculture to enter into cooperative agreements with States to provide for State administration of allotment management plans.

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## IN THE SENATE OF THE UNITED STATES

APRIL 19, 2021

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Federal Land Policy and Management Act of 1976 to authorize the Secretary of the Interior and the Secretary of Agriculture to enter into cooperative agreements with States to provide for State administration of allotment management plans.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “State Grazing Manage-  
5 ment Authority Act”.

1 **SEC. 2. AUTHORIZATION OF COOPERATIVE AGREEMENTS**  
 2 **BETWEEN THE SECRETARY OF THE INTE-**  
 3 **RIOR, THE SECRETARY OF AGRICULTURE,**  
 4 **AND STATES.**

5 Section 402 of the Federal Land Policy and Manage-  
 6 ment Act of 1976 (43 U.S.C. 1752) is amended by adding  
 7 at the end the following:

8 “(k) COOPERATIVE AGREEMENTS WITH STATES.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) ALLOTMENT MANAGEMENT PLAN.—

11 The term ‘allotment management plan’ has the  
 12 meaning given the term in subsection (k) of  
 13 section 103, except that—

14 “(i) any reference to ‘the lessees or  
 15 permittees involved’ in that subsection  
 16 shall be considered to be a reference to ‘the  
 17 Secretary concerned’; and

18 “(ii) any reference to ‘the Secretary  
 19 concerned’ in that subsection shall be con-  
 20 sidered to be a reference to ‘the Governor  
 21 of the applicable State’.

22 “(B) COOPERATING AGENCY.—The term  
 23 ‘cooperating agency’ means, as applicable—

24 “(i) a State agricultural agency that  
 25 is involved in a proposed action under an

1 allotment management plan authorized  
2 under paragraph (2); or

3 “(ii) a Federal agency that—

4 “(I) is involved in a proposed ac-  
5 tion under an allotment management  
6 plan authorized under paragraph (2);

7 “(II) is not the lead agency; and

8 “(III) has the jurisdiction or spe-  
9 cial expertise such that the Federal  
10 agency needs to be consulted—

11 “(aa) to use a categorical  
12 exclusion; or

13 “(bb) to prepare an environ-  
14 mental assessment or environ-  
15 mental impact statement, as ap-  
16 plicable.

17 “(C) COOPERATIVE AGREEMENT.—The  
18 term ‘cooperative agreement’ means a coopera-  
19 tive agreement entered into under paragraph  
20 (2).

21 “(D) DOMESTIC LIVESTOCK.—The term  
22 ‘domestic livestock’ means an animal raised in  
23 an agricultural setting to produce labor or com-  
24 modities.

1           “(E) ELIGIBLE FEDERAL LAND.—The  
2 term ‘eligible Federal land’ means—

3           “(i) public lands that—

4           “(I) are subject to a grazing per-  
5 mit or lease issued by the Bureau  
6 under section 3 or 15 of the Act of  
7 June 28, 1934 (commonly known as  
8 the ‘Taylor Grazing Act’) (43 U.S.C.  
9 315b, 315m); and

10           “(II) have periodically or histori-  
11 cally been used or offered for public  
12 domestic livestock grazing, as deter-  
13 mined by the Secretary concerned;  
14 and

15           “(ii) National Forest System land  
16 that—

17           “(I) is subject to a grazing per-  
18 mit or lease issued by the Secretary of  
19 Agriculture; and

20           “(II) has periodically or histori-  
21 cally been used or offered for public  
22 domestic livestock grazing, as deter-  
23 mined by the Secretary concerned.

24           “(F) ENVIRONMENTAL ASSESSMENT.—The  
25 term ‘environmental assessment’ has the mean-

1           ing given the term in section 1508.9 of title 40,  
2           Code of Federal Regulations (or a successor  
3           regulation).

4           “(G) ENVIRONMENTAL IMPACT STATE-  
5           MENT.—The term ‘environmental impact state-  
6           ment’ means a detailed statement required  
7           under section 102(2)(C) of the National Envi-  
8           ronmental Policy Act of 1969 (42 U.S.C.  
9           4332(2)(C)).

10          “(H) LEAD AGENCY.—The term ‘lead  
11          agency’ means the Federal agency headed by  
12          the Secretary concerned that, at the request of  
13          the Governor of the applicable State under  
14          paragraph (3)(A)(ii), carries out the NEPA  
15          process for a proposed action under an allot-  
16          ment management plan authorized under para-  
17          graph (2).

18          “(I) NEPA PROCESS.—

19                 “(i) IN GENERAL.—The term ‘NEPA  
20                 process’ means any portion of the process,  
21                 analysis, and other measure, including the  
22                 preparation of an environmental impact  
23                 statement, if necessary, that is required to  
24                 be carried out by the Secretary concerned  
25                 under the National Environmental Policy

1 Act of 1969 (42 U.S.C. 4321 et seq.) be-  
2 fore the Secretary concerned undertakes a  
3 proposed action.

4 “(ii) PERIOD.—For purposes of clause  
5 (i), the NEPA process—

6 “(I) begins on the date on which  
7 the Secretary concerned receives an  
8 application for a proposed action from  
9 a project sponsor; and

10 “(II) ends on the date on which  
11 the Secretary concerned issues, with  
12 respect to the proposed action—

13 “(aa) a record of decision,  
14 including, if necessary, a revised  
15 record of decision;

16 “(bb) a finding of no signifi-  
17 cant impact; or

18 “(cc) a categorical exclusion  
19 under the National Environ-  
20 mental Policy Act of 1969 (42  
21 U.S.C. 4321 et seq.).

22 “(J) PROJECT SPONSOR.—The term  
23 ‘project sponsor’ means a Federal agency or ap-  
24 plicable State agency that seeks approval of a  
25 proposed action.

1           “(K) SECRETARY CONCERNED.—The term  
2           ‘Secretary concerned’ means—

3                   “(i) the Secretary, acting through the  
4                   Director of the Bureau, with respect to  
5                   public lands; and

6                   “(ii) the Secretary of Agriculture, act-  
7                   ing through the Chief of the Forest Serv-  
8                   ice, with respect to National Forest System  
9                   land.

10           “(L) STATE COMMISSION.—The term  
11           ‘State commission’ means an advisory commis-  
12           sion for a State established under paragraph  
13           (8)(A).

14           “(2) PILOT PROJECT AUTHORIZATION.—

15                   “(A) IN GENERAL.—At the request of the  
16                   Governor of a State, the Secretary concerned  
17                   shall enter into a cooperative agreement with  
18                   the State to authorize the State to administer  
19                   1 or more allotment management plans on eligi-  
20                   ble Federal land in the State, including the  
21                   commencement of a lease or the issuance of a  
22                   permit for domestic livestock grazing on the ap-  
23                   plicable allotment, subject to valid existing  
24                   rights and this subsection.

1           “(B) REQUIREMENT.—The Secretary con-  
2           cerned may enter into a cooperative agreement  
3           under subparagraph (A) and a State may com-  
4           mence a lease and issue a permit under an al-  
5           lotment management plan authorized under  
6           that subparagraph only after the Governor of  
7           the State has submitted to the Secretary con-  
8           cerned—

9           “(i) if the applicable allotment is oc-  
10          cupied, a notice from each holder of a  
11          grazing permit or lease occupying the ap-  
12          plicable allotment that provides that—

13               “(I) the holder consents to man-  
14               agement by the State of the applicable  
15               permit or lease, which may include a  
16               maximum fee that the State may  
17               charge the holder of the grazing per-  
18               mit or lease under paragraph (6)(C);  
19               and

20               “(II) if the grazing permit or  
21               lease is subsequently transferred, the  
22               transfer shall be subject to the re-  
23               quirement that the transferee con-  
24               sents to the management by the State



1 of the applicable permit or lease, in  
2 accordance with subclause (I); and

3 “(ii) a proposed allotment manage-  
4 ment plan for the applicable allotment.

5 “(3) NEPA AUTHORITY.—

6 “(A) IN GENERAL.—At the request of the  
7 Governor of a State—

8 “(i) a cooperative agreement shall in-  
9 clude an assignment of the responsibilities  
10 of the Secretary concerned under the Na-  
11 tional Environmental Policy Act of 1969  
12 (42 U.S.C. 4321 et seq.) to the State with  
13 respect to the allotment management plans  
14 authorized under paragraph (2); or

15 “(ii)(I) the Federal agency headed by  
16 the Secretary concerned shall carry out the  
17 NEPA process for each proposed action  
18 under an allotment management plan au-  
19 thorized under paragraph (2);

20 “(II) the applicable agricultural agen-  
21 cy of the State shall participate in the  
22 NEPA process as a cooperating agency;  
23 and

24 “(III) any other Federal or State  
25 agency may participate in the NEPA proc-

1           ess as a cooperating agency, as the appli-  
2           cable State commission determines to be  
3           appropriate.

4           “(B) MULTI-AGENCY PROJECTS.—

5                 “(i) RESPONSIBILITIES OF LEAD  
6           AGENCY.—The lead agency for a proposed  
7           action shall—

8                         “(I) as soon as practicable and in  
9                         consultation with the cooperating  
10                        agencies, determine whether a pro-  
11                        posed action requires the preparation  
12                        of an environmental assessment or an  
13                        environmental impact statement; and

14                       “(II) if the lead agency deter-  
15                        mines under subclause (I) that an en-  
16                        vironmental impact statement is nec-  
17                        essary—

18                                 “(aa) be responsible for co-  
19                                 ordinating the preparation of the  
20                                 environmental impact statement;

21                                 “(bb) incorporate, to the  
22                                 maximum extent practicable, any  
23                                 applicable State or local resource  
24                                 management plans into the envi-  
25                                 ronmental impact statement and

1 environmental assessment, as ap-  
2 plicable;

3 “(cc) provide each cooper-  
4 ating agency with an opportunity  
5 to review and contribute to the  
6 preparation of the environmental  
7 impact statement and environ-  
8 mental assessment, as applicable,  
9 for the proposed action, except  
10 that a cooperating agency shall  
11 limit comments to issues within  
12 the special expertise or jurisdic-  
13 tion of the cooperating agency;  
14 and

15 “(dd) as soon as practicable  
16 and in consultation with the co-  
17 operating agencies, determine the  
18 range of alternatives to be con-  
19 sidered for the proposed action.

20 “(ii) ENVIRONMENTAL DOCUMENTS.—

21 “(I) IN GENERAL.—In carrying  
22 out the NEPA process for a proposed  
23 action under an allotment manage-  
24 ment plan authorized under para-  
25 graph (2), the lead agency, in con-

1 sultation with the cooperating agen-  
2 cies, shall prepare not more than 1 of  
3 each type of document described in  
4 subclause (II), as applicable.

5 “(II) DOCUMENTS DESCRIBED.—  
6 The documents referred to in sub-  
7 clause (I) are—

8 “(aa) an environmental as-  
9 sessment;

10 “(bb) a finding of no signifi-  
11 cant impact;

12 “(cc) an environmental im-  
13 pact statement; and

14 “(dd) a record of decision.

15 “(iii) PROHIBITION.—A cooperating  
16 agency may not evaluate an alternative to  
17 the proposed action that the lead agency  
18 has not determined to be within the range  
19 of alternatives to be considered under  
20 clause (i)(II)(dd).

21 “(C) CATEGORICAL EXCLUSIONS.—With  
22 respect to the allotment management plans au-  
23 thorized under paragraph (2), the following ac-  
24 tions shall qualify for a categorical exclusion

1 under the National Environmental Policy Act of  
2 1969 (42 U.S.C. 4321 et seq.):

3 “(i) The conduct of vegetation res-  
4 toration projects using a method such as—

5 “(I) aerial, drill, or broadcast  
6 seeding;

7 “(II) disking;

8 “(III) mowing;

9 “(IV) chaining;

10 “(V) the use of a forestry mulch-  
11 er;

12 “(VI) prescribed fire;

13 “(VII) invasive species manage-  
14 ment; or

15 “(VIII) any other method of  
16 vegetation restoration that the appli-  
17 cable State commission considers to  
18 be appropriate.

19 “(ii) The conduct of pinyon or juniper  
20 treatments using a method such as—

21 “(I) prescribed fire;

22 “(II) hand removal;

23 “(III) chaining;

24 “(IV) dozing;

1 “(V) the use of a forestry mulch-  
2 er; or

3 “(VI) any other method that a  
4 State commission considers to be ap-  
5 propriate.

6 “(iii) Any change to—

7 “(I) the type of domestic live-  
8 stock grazing on the applicable allot-  
9 ment; or

10 “(II) the number of, or season of  
11 use for, permitted animal unit months  
12 that a State commission makes to the  
13 allotment management plan.

14 “(iv) The installation of new fencing  
15 and the maintenance and repair of existing  
16 fencing, including—

17 “(I) the installation of cattle  
18 guards;

19 “(II) the installation of new fence-  
20 ing to adjust pasture boundaries;

21 “(III) the installation of new  
22 gates; and

23 “(IV) the removal of fencing.

24 “(v) Water infrastructure improve-  
25 ments described in paragraph (4).

1           “(vi) Any other activity that would  
2 otherwise qualify for a categorical exclu-  
3 sion under an allotment management plan,  
4 permit, or lease for domestic livestock  
5 grazing.

6           “(4) WATER INFRASTRUCTURE IMPROVE-  
7 MENTS.—A cooperative agreement shall include,  
8 with respect to allotment management plans author-  
9 ized under paragraph (2), the assignment to the  
10 State of the responsibilities of the Secretary con-  
11 cerned to approve or construct water infrastructure  
12 improvements that are appropriate for the improve-  
13 ment of public grazing, including—

14           “(A)(i) guzzlers, head boxes, ponds,  
15 pumps, tanks, springs, wells, diversions,  
16 troughs, impoundments, water control struc-  
17 tures, and pipelines; or

18           “(ii) any other improvements that the ap-  
19 plicable State commission considers appro-  
20 priate; and

21           “(B) any appurtenance to an improvement  
22 described in subparagraph (A).

23           “(5) ACCESS TO LAND; WATER RIGHTS.—

24           “(A) IN GENERAL.—The Secretary con-  
25 cerned—

1           “(i) shall provide access to the land  
2 covered by an allotment management plan  
3 authorized under paragraph (2), including  
4 for the purpose of the construction of  
5 water infrastructure improvements de-  
6 scribed in paragraph (4); and

7           “(ii) shall not require as a condition  
8 of a management activity under a coopera-  
9 tive agreement an action that affects water  
10 rights.

11           “(B) ADJUDICATION OF WATER RIGHTS.—  
12 With respect to the allotment management  
13 plans authorized under paragraph (2), water  
14 rights under the authority of a State by law  
15 shall be adjudicated by the State.

16           “(6) GRAZING FEES.—

17           “(A) IN GENERAL.—A fee charged for do-  
18 mestic livestock grazing under an allotment  
19 management plan authorized under paragraph  
20 (2) and shared between the State and the Sec-  
21 retary concerned in accordance with subpara-  
22 graph (B) shall be in an amount not greater  
23 than the amount established for the applicable  
24 year under Executive Order 12548 (43 U.S.C.



1 1905 note; relating to grazing fees) (or a suc-  
2 cessor Executive order).

3 “(B) REVENUE SHARING.—

4 “(i) IN GENERAL.—A cooperative  
5 agreement shall include a provision for the  
6 sharing between the State and the Sec-  
7 retary concerned of revenue received from  
8 grazing fees described in subparagraph  
9 (A).

10 “(ii) REQUIREMENT.—Revenue shar-  
11 ing under this subparagraph shall be pro-  
12 portional to the services that the State and  
13 the Secretary concerned are required to  
14 provide under the applicable cooperative  
15 agreement.

16 “(C) ADDITIONAL FEES.—In addition to  
17 any fee charged under subparagraph (A), a  
18 State may charge additional fees for domestic  
19 livestock grazing on land covered by an allot-  
20 ment management plan administered by the  
21 State under paragraph (2), the revenue from  
22 which shall be retained by the State.

23 “(7) WILDFIRES.—

24 “(A) WILDFIRE REHABILITATION.—In the  
25 case of a catastrophic wildfire (as determined

1 by the Secretary concerned (or a designee of  
2 the Secretary concerned)) on land covered by an  
3 allotment management plan authorized under  
4 paragraph (2), the Secretary concerned shall re-  
5 habilitate the land in accordance with this Act.

6 “(B) COMPENSATION.—

7 “(i) IN GENERAL.—If a State or the  
8 holder of a grazing permit has posted a  
9 bond or purchased insurance as described  
10 in paragraph (14)(A)(iv), the Secretary  
11 concerned may seek compensation for any  
12 damages caused by a catastrophic wildfire,  
13 including the costs of any rehabilitation ef-  
14 forts carried out under subparagraph (A),  
15 from the bond or insurance if—

16 “(I) not later than 60 days after  
17 the date on which the wildfire is  
18 brought under control, as determined  
19 by the Secretary concerned, the Sec-  
20 retary concerned—

21 “(aa) conducts an investiga-  
22 tion of the catastrophic wildfire;  
23 and

24 “(bb) makes the results of  
25 that investigation public;

1           “(II) as a result of that inves-  
2           tigation, the Secretary concerned de-  
3           termines that negligent or deliberate  
4           behavior by the State or the holder of  
5           the grazing permit, as applicable, con-  
6           tributed to the wildfire; and

7           “(III) the Secretary concerned is  
8           able—

9                   “(aa) to provide to the State  
10                   or the holder of the grazing per-  
11                   mit, as applicable, an itemized  
12                   list of damages; and

13                   “(bb) to ask for payment of  
14                   those damages from the applica-  
15                   ble bond or insurance.

16           “(ii) DISPUTES.—If a State or the  
17           holder of a grazing permit disagrees with  
18           a determination of the Secretary concerned  
19           under subclause (II) of clause (i) or the  
20           valuation, as determined by the Secretary  
21           concerned, of any damages identified by  
22           the Secretary concerned under subclause  
23           (III) of that clause, the Secretary con-  
24           cerned may—

1                   “(I) negotiate with the State or  
2 holder; or

3                   “(II) file an action for damages  
4 in an appropriate district court of the  
5 United States against the State or  
6 holder.

7                   “(C) EFFECT.—Nothing in this paragraph  
8 exempts any individual or entity from any mon-  
9 etary or other penalty due to criminal or neg-  
10 ligent behavior.

11                   “(8) STATE ADVISORY COMMISSION.—

12                   “(A) IN GENERAL.—A Governor of a State  
13 that enters into a cooperative agreement shall  
14 establish a commission to advise the Governor  
15 on—

16                   “(i) the substance and terms of the  
17 cooperative agreement; and

18                   “(ii) any matters relating to carrying  
19 out the cooperative agreement.

20                   “(B) MEMBERSHIP.—A State commission  
21 shall be comprised of 14 members, of whom—

22                   “(i) 11 shall be appointed by the Gov-  
23 ernor of the applicable State, of whom—

24                   “(I) 3 shall be holders of 1 or  
25 more grazing permits or leases in the

1 State, each of whom, to the maximum  
2 extent practicable, represent a dif-  
3 ferent industry;

4 “(II) 1 shall be a representative  
5 of the State department of agriculture  
6 (or any substantially similar State  
7 agency);

8 “(III) 1 shall be a representative  
9 of the State department of wildlife (or  
10 any substantially similar State agen-  
11 cy);

12 “(IV) 1 shall be a representative  
13 of a nationally or regionally recog-  
14 nized agricultural organization;

15 “(V) 1 shall be a representative  
16 of a nationally or regionally recog-  
17 nized organization the mission of  
18 which is to promote grazing of domes-  
19 tic animals on public lands;

20 “(VI) 1 shall be a representative  
21 of a conservation or environmental or-  
22 ganization;

23 “(VII) 1 shall be a representative  
24 of a sportsmen’s organization;

1           “(VIII) 1 shall be a representa-  
2           tive of other users of public lands; and

3           “(IX) 1 shall be a representative  
4           of land-grant colleges and universities  
5           (as defined in section 1404 of the Na-  
6           tional Agricultural Research, Exten-  
7           sion, and Teaching Policy Act of 1977  
8           (7 U.S.C. 3103)) in the State with ex-  
9           pertise related to agricultural grazing;

10          “(ii) 1 shall—

11                 “(I) be appointed by the Sec-  
12                 retary of Agriculture; and

13                 “(II) be a representative of the  
14                 Forest Service; and

15                 “(iii) 2 shall be appointed by the Sec-  
16                 retary, of whom—

17                         “(I) 1 shall be a representative of  
18                         the Bureau; and

19                         “(II) 1 shall be a representative  
20                         of the United States Fish and Wildlife  
21                         Service.

22                 “(C) CHAIR.—To manage the meetings of  
23                 a State commission, the Governor of the State  
24                 shall appoint a Chair of the State commission

1 from among members appointed to the State  
2 commission under subparagraph (B)(i).

3 “(D) QUORUM.—

4 “(i) IN GENERAL.—Ten members of a  
5 State commission shall constitute a  
6 quorum.

7 “(ii) DECISIONS.—With respect to the  
8 duties described in subparagraph (E), deci-  
9 sions of a State commission shall be made  
10 by majority vote, a quorum being present.

11 “(E) DUTIES.—A State commission  
12 shall—

13 “(i) oversee the development of poli-  
14 cies for the operation and use of the allot-  
15 ment management plans covered by the co-  
16 operative agreement;

17 “(ii) be involved in, and stay informed  
18 of, any dispute resolution necessary to en-  
19 sure that the administration of the applica-  
20 ble allotment management plans by the  
21 State is in accordance with—

22 “(I) this Act; and

23 “(II) the laws described in sub-  
24 paragraphs (A) through (C) of para-  
25 graph (11);

1           “(iii) assist, as necessary, in setting or  
2           adjusting grazing permit or lease bound-  
3           aries;

4           “(iv) assist and be involved in any  
5           other decision that may affect the stability  
6           of—

7                         “(I) the allotment management  
8                         plan; or

9                         “(II) the holder of the grazing  
10                        permit or lease; and

11                       “(v) adopt or approve the allotment  
12                       management plans covered by the coopera-  
13                       tive agreement.

14           “(9) TERMS; CONDITIONS.—

15                       “(A) TERM OF COOPERATIVE AGREE-  
16                       MENTS.—A cooperative agreement entered into  
17                       under paragraph (2) shall be for a term of 30  
18                       years.

19                       “(B) RENEWAL OF COOPERATIVE AGREE-  
20                       MENTS.—

21                       “(i) IN GENERAL.—The Secretary  
22                       concerned shall agree to a renewal of a co-  
23                       operative agreement for an additional 30  
24                       years if—



1                   “(I) the State requests that the  
2 cooperative agreement be renewed;

3                   “(II) the State has satisfied all  
4 conditions of the cooperative agree-  
5 ment; and

6                   “(III) the applicable State com-  
7 mission determines that monitoring  
8 during the period of a grazing lease or  
9 permit has shown positive outcomes in  
10 the joint monitoring regimen under  
11 paragraph (13).

12                   “(ii) NO OTHER REQUIREMENTS OR  
13 CONDITIONS FOR RENEWAL.—The Sec-  
14 retary concerned may not impose any addi-  
15 tional requirement or condition for the re-  
16 newal of a cooperative agreement under  
17 this subparagraph.

18                   “(C) TERM OF GRAZING LEASES AND PER-  
19 MITS.—A permit or lease for domestic livestock  
20 grazing on land covered by a cooperative agree-  
21 ment shall—

22                   “(i) be issued by the applicable State  
23 agency for a term of 30 years beginning on  
24 the date on which the applicable coopera-  
25 tive agreement is entered into under para-

1 graph (2) or renewed under subparagraph  
2 (B), as applicable; and

3 “(ii) contain only the terms and con-  
4 ditions included in the applicable allotment  
5 management plan adopted or approved by  
6 the applicable State commission.

7 “(10) ENFORCEMENT OF GRAZING LEASES AND  
8 PERMITS.—A State entering into a cooperative  
9 agreement under this subsection may enter into an  
10 agreement with any local law enforcement agency for  
11 the enforcement of the terms of any permit or lease  
12 for domestic livestock grazing on land covered by the  
13 cooperative agreement if the area in which the law  
14 enforcement agency would act under that agreement  
15 is within the jurisdiction of that agency.

16 “(11) APPLICABLE LAW.—In administering al-  
17 lotment management plans under paragraph (2), a  
18 State shall be subject to—

19 “(A) the Endangered Species Act of 1973  
20 (16 U.S.C. 1531 et seq.);

21 “(B) the Federal Water Pollution Control  
22 Act (33 U.S.C. 1251 et seq.); and

23 “(C) any other applicable Federal law (in-  
24 cluding regulations) that is consistent with

1 State administration of allotment management  
2 plans under this subsection.

3 “(12) RESOLUTION OF DISPUTES.—

4 “(A) AUTHORITY OF THE INTERIOR BOARD  
5 OF LAND APPEALS.—Nothing in this subsection  
6 provides to the Interior Board of Land Appeals  
7 authority to hear a case with respect to a deci-  
8 sion relating to an allotment management plan  
9 administered by a State under paragraph (2).

10 “(B) STATE DISPUTE RESOLUTION PROC-  
11 ESS.—

12 “(i) IN GENERAL.—A cooperative  
13 agreement shall provide for the develop-  
14 ment of a process by the State to resolve  
15 disputes relating to a decision by the State  
16 with respect to an allotment management  
17 plan administered by the State under the  
18 cooperative agreement, including resolution  
19 of disputes through any mediation author-  
20 ity available to the State on the date of en-  
21 actment of this subsection.

22 “(ii) RESOLUTION.—A dispute de-  
23 scribed in clause (i) shall be resolved in ac-  
24 cordance with the process developed under  
25 that clause.

1           “(C) THIRD-PARTY DISPUTES.—No party  
2 that is not directly involved in the administra-  
3 tion of an allotment management plan by a  
4 State under paragraph (2) may receive any  
5 costs or fees under section 2412 of title 28,  
6 United States Code, with respect to any action  
7 brought to challenge any action taken with re-  
8 spect to the allotment management plan.

9           “(13) MONITORING.—

10           “(A) IN GENERAL.—A cooperative agree-  
11 ment shall include provisions for a joint moni-  
12 toring regimen for the land covered by the ap-  
13 plicable allotment management plan to be con-  
14 ducted by the applicable State agency and any  
15 applicable Federal agencies.

16           “(B) REQUIREMENT.—A joint monitoring  
17 regimen implemented under subparagraph (A)  
18 shall comply with the requirements of the appli-  
19 cable allotment management plan, as adopted  
20 or approved by the applicable State commission  
21 under paragraph (8)(E)(v).

22           “(C) DATA COLLECTION.—To the max-  
23 imum extent practicable, all parties to the coop-  
24 erative agreement shall be present when data

1 are collected under the joint monitoring regi-  
2 men carried out under this paragraph.

3 “(D) AVAILABILITY OF FINDINGS.—The  
4 findings of any monitoring carried out under  
5 this paragraph shall be made available to the  
6 Secretary concerned.

7 “(14) TERMINATION.—

8 “(A) TERMINATION OF ALLOTMENT MAN-  
9 AGEMENT PLANS BY THE SECRETARY CON-  
10 CERNED.—

11 “(i) NOTIFICATION OF NONCOMPLI-  
12 ANCE.—If the Secretary concerned deter-  
13 mines that a State is not adequately car-  
14 rying out the responsibilities of the State  
15 under an allotment management plan cov-  
16 ered by a cooperative agreement, the Sec-  
17 retary concerned shall—

18 “(I) notify the State of the deter-  
19 mination of noncompliance with the  
20 applicable allotment management  
21 plan; and

22 “(II) on request of the Governor  
23 of the State, provide the State with a  
24 description of each responsibility of  
25 the State under the applicable allot-

1                   ment management plan that is in  
2                   need of corrective action.

3                   “(ii) CORRECTIVE ACTION.—A State  
4                   shall take corrective action with respect to  
5                   each area of noncompliance for which the  
6                   Secretary concerned has made a deter-  
7                   mination of noncompliance under clause (i)  
8                   by—

9                                 “(I) the date that is 1 year after  
10                                the date on which the Secretary con-  
11                               cerned notifies the State under clause  
12                               (i)(I); or

13                               “(II) if the Secretary concerned  
14                               determines an extension is appro-  
15                               priate, the date that is 120 days after  
16                               the deadline described in subclause  
17                               (I).

18                   “(iii) TERMINATION.—Subject to  
19                   clause (iv), if a State has not taken satis-  
20                   factory corrective action, as determined by  
21                   the Secretary concerned, by the applicable  
22                   date described in clause (ii), the Secretary  
23                   concerned shall terminate the applicable al-  
24                   lotment management plan.

1           “(iv) EFFECT OF BOND AND INSUR-  
2 ANCE.—The Secretary concerned may not  
3 terminate an applicable allotment manage-  
4 ment plan covered by a cooperative agree-  
5 ment under this subparagraph if the State  
6 or the holder of a grazing permit or lease  
7 covered by the cooperative agreement has  
8 posted a bond or purchased insurance that,  
9 in the determination of the Secretary con-  
10 cerned, is sufficient to cover the cost of  
11 any potential harm to the applicable land  
12 that is caused by the State or the holder,  
13 as applicable.

14           “(B) TERMINATION OF ALLOTMENT MAN-  
15 AGEMENT PLAN BY THE STATE.—

16           “(i) IN GENERAL.—Subject to clause  
17 (ii), a State may terminate an applicable  
18 allotment management plan covered by a  
19 cooperative agreement entered into under  
20 this subsection at any time.

21           “(ii) NOTICE REQUIRED.—A State  
22 shall provide to the Secretary concerned  
23 notice of any termination of an applicable  
24 allotment management plan covered by a  
25 cooperative agreement under clause (i) not

1 less than 90 days before the date on which  
2 that termination shall take effect.

3 “(C) REVOCATION OF CONSENT BY THE  
4 PERMITTEE.—

5 “(i) IN GENERAL.—The holder of a  
6 grazing permit or lease that has consented  
7 to management by the State of the permit  
8 or lease under subclause (I) or (II) of  
9 paragraph (2)(B)(i) may revoke that con-  
10 sent at any time.

11 “(ii) TERMINATION.—On revocation  
12 of consent to management by the State of  
13 the permit or lease under clause (i), the  
14 applicable allotment management plan  
15 shall be terminated.

16 “(D) EFFECT OF TERMINATION OR REV-  
17 OCATION.—On termination of an applicable al-  
18 lotment management plan covered by a coopera-  
19 tive agreement under subparagraph (A), (B), or  
20 (C)—

21 “(i) management of the applicable al-  
22 lotment shall revert to the Secretary con-  
23 cerned;

24 “(ii) the allotment shall be managed  
25 in accordance with the authorities under



1           which the allotment was managed before  
2           the date on which the Secretary concerned  
3           entered into the cooperative agreement, in-  
4           cluding any allotment management plan  
5           that applied to the allotment before that  
6           date; and

7           “(iii) no new NEPA process shall be  
8           required with respect to the use, in accord-  
9           ance with clause (ii), of an allotment man-  
10          agement plan that applied to the allotment  
11          before the date on which the Secretary  
12          concerned entered into the cooperative  
13          agreement.”.

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