

113TH CONGRESS
1ST SESSION

S. _____

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

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

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Grazing Improvement
5 Act”.

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

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

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

3 (2) in subsection (b)—

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

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

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

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

13 **SEC. 3. RENEWAL, TRANSFER, AND REISSUANCE OF GRAZ-**
14 **ING PERMITS AND LEASES.**

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

18 **“SEC. 405. RENEWAL, TRANSFER, AND REISSUANCE OF**
19 **GRAZING PERMITS AND LEASES.**

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

21 “(1) **CURRENT GRAZING MANAGEMENT.**—The
22 term ‘current grazing management’ means grazing
23 in accordance with the terms and conditions of an
24 existing permit or lease and includes any modifica-
25 tions that are consistent with an applicable Depart-

1 ment of Interior resource management plan or De-
2 partment of Agriculture land use plan.

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

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

7 “(B) the Secretary of the Interior, with re-
8 spect to land under the jurisdiction of the De-
9 partment of the Interior.

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

16 “(1) section 402;

17 “(2) section 19 of the Act of April 24, 1950
18 (commonly known as the ‘Granger-Thye Act’; 16
19 U.S.C. 580l);

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

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

24 “(c) TERMS; CONDITIONS.—The terms and condi-
25 tions (except the termination date) contained in an ex-

1 pired, transferred, or waived permit or lease described in
2 subsection (b) shall continue in effect under a renewed or
3 reissued permit or lease until the date on which the Sec-
4 retary concerned completes the processing of the renewed
5 or reissued permit or lease that is the subject of the ex-
6 pired, transferred, or waived permit or lease, in compli-
7 ance with each applicable law.

8 “(d) CANCELLATION; SUSPENSION; MODIFICA-
9 TION.—Notwithstanding subsection (c), a permit or lease
10 described in subsection (b) may be cancelled, suspended,
11 or modified in accordance with applicable law.

12 “(e) RENEWAL TRANSFER REISSUANCE AFTER
13 PROCESSING.—When the Secretary concerned has com-
14 pleted the processing of the renewed or reissued permit
15 or lease that is the subject of the expired, transferred, or
16 waived permit or lease, the Secretary concerned shall
17 renew or reissue the permit or lease for a term of 20 years
18 after completion of processing.

19 “(f) COMPLIANCE WITH NATIONAL ENVIRONMENTAL
20 POLICY ACT OF 1969.—The renewal, reissuance, or trans-
21 fer of a grazing permit or lease by the Secretary concerned
22 shall be categorically excluded from the requirement to
23 prepare an environmental assessment or an environmental
24 impact statement if—

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

4 “(2) monitoring of the allotment has indicated
5 that the current grazing management has met, or
6 has satisfactorily progressed towards meeting, objec-
7 tives contained in the land use and resource manage-
8 ment plan of the allotment, as determined by the
9 Secretary concerned; or

10 “(3) the decision is consistent with the policy of
11 the Department of the Interior or the Department
12 of Agriculture, as appropriate, regarding extraor-
13 dinary circumstances.

14 “(g) PRIORITY AND TIMING FOR COMPLETING ENVI-
15 RONMENTAL ANALYSES.—The Secretary concerned, in the
16 sole discretion of the Secretary concerned, shall determine
17 the priority and timing for completing each required envi-
18 ronmental analysis regarding any grazing allotment, per-
19 mit, or lease based on the environmental significance of
20 the allotment, permit, or lease and available funding for
21 that purpose.

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

1 “(1) Crossing and trailing authorizations of do-
2 mestic livestock.

3 “(2) Transfer of grazing preference.”.