

108TH CONGRESS
1ST SESSION

H. R. 3324

To provide compensation to livestock operators who voluntarily relinquish a grazing permit or lease on Federal lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2003

Mr. SHAYS (for himself, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mr. BLUMENAUER, Mr. HOLT, Mr. MARKEY, and Mr. McDERMOTT) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide compensation to livestock operators who voluntarily relinquish a grazing permit or lease on Federal lands, 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 “Voluntary Grazing
5 Permit Buyout Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Commercial livestock grazing on Federal
2 lands is increasingly difficult for grazing permittees
3 and lessees due to growing conflicts with other legiti-
4 mate multiple uses of those lands, such as environ-
5 mental protection and burgeoning recreational use,
6 and with congressionally mandated goals of wildlife
7 and habitat protection and improved water quality
8 and quantity.

9 (2) The recreational use of Federal lands often
10 leads to conflicts with commercial livestock grazing
11 on the same lands, because some recreationists dam-
12 age property related to the grazing operations or
13 disturb livestock, rendering many grazing operations
14 on Federal lands uneconomical.

15 (3) A combination of sustained drought, foreign
16 competition, changing domestic markets, industry
17 restructuring, and individual ranch situations has
18 resulted in grazing permits and leases becoming
19 stranded investments for many permittees and les-
20 sees.

21 (4) Many permittees and lessees would like to
22 retire, but do not have family members willing or
23 able to take over ranch operations.

24 (5) Attempts to resolve grazing conflicts with
25 other multiple uses often require extensive range de-

1 velopments and monitoring that greatly increases
2 costs to both permittees and lessees and taxpayers,
3 far out of proportion to the benefit received.

4 (6) Certain grazing allotments on Federal lands
5 have, or are likely to become, unsuitable for livestock
6 production as a result of the combined effect of the
7 aforementioned factors.

8 (7) The cost of the Federal grazing program
9 greatly exceeds revenues to the Federal treasury
10 from grazing receipts.

11 (8) Many Federal grazing permittees and les-
12 sees have indicated their desire to end their livestock
13 grazing on Federal lands in exchange for a one-time
14 payment to reasonably compensate them for the ef-
15 fort and investment that they have made in a graz-
16 ing allotment.

17 (9) Compensating permittees and lessees who
18 relinquish their grazing permit or lease and end live-
19 stock grazing on Federal lands would help recapiti-
20 talize an ailing sector of rural America, by providing
21 economic options to permittees and lessees that do
22 not presently exist and allowing them to restructure
23 their ranch operations, start new businesses, retire
24 with security, or provide a family legacy.

1 (10) Reasonable compensation for the relin-
2 quishment of a grazing permit or lease will help al-
3 leviate the need for permittees and lessees to sell or
4 subdivide their private lands.

5 (11) A voluntary buyout program for grazing
6 permits and leases will help resolve growing conflicts
7 between livestock grazing and other multiple uses,
8 and would be ecologically imperative, economically
9 rational, fiscally prudent, and socially just.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) The term “animal unit month” means the
13 amount of forage needed to sustain one animal unit
14 for one month, as determined by the Secretary
15 issuing the grazing permit or lease.

16 (2) The terms “grazing permit or lease” and
17 “grazing permit and lease” mean any document au-
18 thorizing the use of Federal lands for the purpose of
19 grazing domestic livestock.

20 (3) The term “grazing allotment” means the
21 designated portion of Federal land upon which do-
22 mestic livestock are permitted to graze by a grazing
23 permit or lease.

1 (4) The terms “permittee or lessee” and “per-
2 mittee and lessee” mean a livestock operator who
3 holds a valid term grazing permit or lease.

4 (5) The term “range developments” means
5 structures, fences and other permanent fixtures
6 placed on Federal lands for the furtherance of the
7 purpose of grazing domestic livestock. The term does
8 not include rolling stock, livestock and diversions of
9 water from Federal lands onto non-Federal lands.

10 (6) The term “Secretary” means the Secretary
11 of Agriculture, the Secretary of the Interior, the
12 Secretary of Energy, or the Secretary of Defense, as
13 appropriate to the administration of the grazing per-
14 mit or lease at issue.

15 **SEC. 4. VOLUNTARY GRAZING PERMIT BUYOUT PROGRAM.**

16 (a) WAIVER OF EXISTING GRAZING PERMIT OR
17 LEASE.—A permittee or lessee may waive to the Sec-
18 retary, at any time, a valid existing grazing permit or lease
19 authorizing livestock grazing on Federal lands.

20 (b) CANCELLATION OF WAIVED GRAZING PERMIT OR
21 LEASE.—The Secretary shall cancel grazing permits and
22 leases waived under this section and permanently retire
23 the associated allotments from domestic livestock grazing
24 use notwithstanding any other provision of law.

1 (c) WAIVER PRIORITY.—If funds available to carry
2 out this Act are insufficient to meet all of the offers for
3 the waiver of grazing permits and leases, the Secretary
4 shall give priority to the waiver of grazing permits and
5 leases that authorize grazing on the following Federal
6 lands:

7 (1) National Wilderness Preservation System
8 unit.

9 (2) National Wild and Scenic River System
10 unit.

11 (3) National Park System unit.

12 (4) National Wildlife Refuge System unit.

13 (5) An allotment that includes a trail within the
14 National Trails System.

15 (6) National Landscape Conservation System
16 unit.

17 (7) Designated critical habitat for species listed
18 under the Endangered Species Act of 1973.

19 (8) Designated wilderness study area.

20 (9) Roadless and undeveloped areas identified
21 in Forest Service, Roadless Area Conservation EIS,
22 vol. 2 (Nov. 2000).

23 (10) Designated Bureau of Land Management
24 Area of Critical Environmental Concern.

25 (11) Designated Research Natural Area.

(12) An allotment that includes a “water quality limited” stream listed under section 303(d) of the Federal Water Pollution Control Act.

(13) Stream segments identified as a “study river” under section 5(a) of the Wild and Scenic Rivers Act.

(14) Stream segments identified by the Secretary under section 5(d)(1) of the Wild and Scenic Rivers Act.

(15) An allotment featuring other scientific, ecological, scenic, watershed or recreation values.

(d) RELATION TO EMINENT DOMAIN.—Nothing in this Act shall be interpreted to authorize the use of eminent domain for the purpose of acquiring a Federal grazing permit or lease.

16 SEC. 5. COMPENSATION FOR WAIVED GRAZING PERMIT OR
17 LEASE.

(a) COMPENSATION REQUIRED; AMOUNT.—A permittee or lessee who waives a grazing permit or lease to the Secretary under section 4(a) shall be compensated at \$175 per animal unit month, based on the average grazing use over the preceding 10 years the allotment was grazed, as stipulated by the grazing permit or lease and paid for by the permittee or lessee or the predecessors of the permittee or lessee. Years of grazing nonuse are excluded

1 from this average. In the case that a permittee or lessee
2 is in arrears of Federal grazing fees, the amount of fees
3 in arrears shall be deducted from the amount of com-
4 pensation otherwise due the permittee or lessee under this
5 section.

6 (b) EFFECTS OF ISSUANCE OF CERTAIN PERMITS OR
7 LEASES.—A permittee or lessee who seeks to waive a graz-
8 ing permit or lease under section 4 for a grazing allotment
9 that was vacant or vacated as of the date of the enactment
10 of this Act shall only be eligible for compensation under
11 this section based on the average grazing use over the last
12 ten years, including any years of grazing nonuse.

13 (c) DONATION OF EXISTING PERMIT OR LEASE.—
14 A permittee or lessee may at any time waive their claim
15 to compensation under this section and donate to the Sec-
16 retary a valid existing grazing permit or lease authorizing
17 livestock grazing on Federal lands. The Secretary shall
18 cancel donated grazing permits or leases and permanently
19 retire the associated allotments from domestic livestock
20 grazing use, notwithstanding any other provision of law.

21 (d) RELATION TO OTHER AUTHORITY.—Nothing in
22 this Act shall be construed to affect the Secretary's au-
23 thority to otherwise modify or terminate grazing permits
24 or leases without compensation. Compensation disbursed

1 pursuant to this section shall not create a property right
2 in grazing permittees or lessees.

3 **SEC. 6. EFFECT OF WAIVER OR DONATION OF GRAZING**
4 **PERMIT OR LEASE.**

5 (a) EFFECT ON RANGE DEVELOPMENTS.—A per-
6 mittee or lessee who waives a grazing permit or lease to
7 the Secretary under section 4 and receives compensation
8 under section 5, or donates a grazing permit or lease
9 under section 6, shall be deemed to have waived any claim
10 to all range developments on the subject grazing allot-
11 ments, notwithstanding any other provision of law.

12 (b) SECURING RETIRED ALLOTMENTS AGAINST UN-
13 AUTHORIZED USE.—The Secretary shall ensure that allot-
14 ments retired from grazing under this Act are rendered
15 reasonably secure from trespass grazing by livestock.

16 (c) RELATION TO OTHER VALID EXISTING
17 RIGHTS.—Nothing in this Act affects the allocation, own-
18 ership, interest or control, in existence on the date of en-
19 actment of this Act, of any water, water right, or any
20 other valid existing right held by the United States, Indian
21 tribe, State, or private individual, partnership or corpora-
22 tion.

1 **SEC. 7. RETIREMENT OF GRAZING ALLOTMENTS FOR**
2 **WHICH NO VALID GRAZING PERMIT OR**
3 **LEASE EXISTS.**

4 The Secretary shall not issue grazing permits or
5 leases for grazing allotments for which no valid permit or
6 lease exists as of the date of the enactment of this Act,
7 and shall permanently retire the allotments from domestic
8 livestock grazing use notwithstanding any other provision
9 of law.

10 **SEC. 8. EFFECT OF NONUSE OR REDUCED USE.**

11 Notwithstanding any other provision of law, a per-
12 mittee or lessee may opt not to graze a grazing allotment
13 or to graze the grazing allotment at less than the min-
14 imum permitted level and still retain the grazing permit
15 or lease for the remainder of its term. Such nonuse shall
16 be considered to be in compliance with the terms of the
17 grazing permit or lease when it becomes due for renewal.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATION.**

19 There is authorized to be appropriated to the Secre-
20 taries \$100,000,000, to remain available until expended,
21 to provide compensation to permittees and lessees under
22 section 5. None of the funds appropriated pursuant to this
23 section shall be used by any Federal agency for adminis-
24 trative costs related to the purposes of this Act.

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