

108TH CONGRESS  
1ST SESSION

# H. R. 3337

To give livestock operators holding a grazing permit or lease on Federal lands in the State of Arizona the opportunity to relinquish their grazing permit or lease in exchange for compensation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2003

Mr. GRIJALVA (for himself, Mr. SHAYS, Mr. MARSHALL, Mr. HASTINGS of Florida, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mr. BLUMENAUER, Mr. MARKEY, Mr. FRANK of Massachusetts, and Mr. HOLT) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on 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

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## A BILL

To give livestock operators holding a grazing permit or lease on Federal lands in the State of Arizona the opportunity to relinquish their grazing permit or lease in exchange for compensation, 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 “Arizona Voluntary  
5 Grazing Permit Buyout Act of 2003”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) The grazing of livestock on Federal lands in  
4 Arizona is an increasingly difficult undertaking for  
5 grazing permittees and lessees due to growing con-  
6 flicts with other legitimate uses of the same lands,  
7 such as environmental protection and burgeoning  
8 recreational use.

9 (2) Sustained drought in the arid Southwest,  
10 foreign competition, changing domestic markets, in-  
11 dustry restructuring, and individual ranch situations  
12 have combined to result in grazing permits and  
13 leases becoming stranded investments for many  
14 grazing permittees and lessees in Arizona.

15 (3) Attempts to resolve grazing conflicts with  
16 other multiple uses of Federal lands often require  
17 extensive range developments and monitoring that  
18 greatly increase costs to both grazing permittees and  
19 lessees and taxpayers, far out of proportion to the  
20 benefit received.

21 (4) Certain grazing allotments on Federal lands  
22 in Arizona have, or are likely to become, unsuitable  
23 for livestock production as a result of the combined  
24 effect of the aforementioned factors.

1           (5) The cost of the Federal grazing program in  
2       Arizona greatly exceeds revenues to the Federal  
3       treasury from grazing fee receipts.

4           (6) Many grazing permittees and lessees in Ari-  
5       zona have indicated their willingness to end livestock  
6       grazing on their Federal grazing allotments in ex-  
7       change for a one-time payment to reasonably com-  
8       pensate them for the effort and investment that they  
9       have made in such allotments.

10          (7) A broad coalition of ranchers and environ-  
11       mental and conservation groups in Arizona have  
12       agreed that a voluntary program to buyout grazing  
13       permits and leases would provide the best solution to  
14       the aforementioned problems.

15          (8) Compensating grazing permittees and les-  
16       sees to end livestock grazing on Federal lands would  
17       help recapitalize an ailing sector of rural Arizona by  
18       providing economic options to grazing permittees  
19       and lessees that do not presently exist, thus allowing  
20       them to restructure their grazing operations or start  
21       new businesses.

22          (9) Reasonable compensation will help alleviate  
23       the need for grazing permittees and lessees to sell or  
24       subdivide their private lands.

1           (10) A voluntary buyout program in Arizona  
 2           would resolve growing conflicts between livestock  
 3           grazing and other multiple uses in Arizona, and  
 4           would also be fiscally prudent and socially just.

5           (11) The operation of a voluntary buyout pro-  
 6           gram in Arizona would provide Congress with crit-  
 7           ical information concerning the possible expansion of  
 8           such a program nation-wide.

9   **SEC. 3. ARIZONA VOLUNTARY GRAZING PERMIT AND LEASE**  
 10                   **BUYOUT PROGRAM.**

11           (a) DEFINITIONS.—In this section:

12           (1) The term “Secretary concerned” means the  
 13           Secretary of Agriculture, the Secretary of the Inte-  
 14           rior, the Secretary of Energy, or the Secretary of  
 15           Defense, as appropriate, who has administrative ju-  
 16           risdiction over the Federal lands and the grazing  
 17           permit or lease at issue.

18           (2) The terms “grazing permit or lease” and  
 19           “grazing permit and lease” mean any document au-  
 20           thorizing the use, for a term of at least five years,  
 21           of Federal lands in Arizona for the purpose of graz-  
 22           ing domestic livestock.

23           (3) The terms “permittee or lessee” and “per-  
 24           mittees and lessees” refer to a livestock operator

1       who holds, or livestock operators who hold, a valid  
2       term grazing permit or lease.

3           (4) The term “grazing allotment” means a des-  
4       ignated portion of Federal land upon which domestic  
5       livestock are permitted to graze by a term grazing  
6       permit or lease.

7           (5) The term “animal unit month” means the  
8       amount of forage needed to sustain one animal unit  
9       for one month. Animal unit is defined by the Sec-  
10      retary concerned issuing the permit or lease.

11          (6) The term “range developments” means  
12      structures, fences and other permanent fixtures  
13      placed on Federal lands for the furtherance of the  
14      purpose of grazing domestic livestock, and specifi-  
15      cally not including rolling stock, livestock and diver-  
16      sions of water from Federal lands onto non-Federal  
17      lands.

18      (b) WAIVER OF EXISTING GRAZING PERMIT OR  
19      LEASE.—A permittee or lessee may at any time waive to  
20      the Secretary concerned a valid existing grazing permit  
21      or lease authorizing livestock grazing on Federal land in  
22      Arizona.

23      (c) CANCELLATION OF WAIVED GRAZING PERMIT OR  
24      LEASE.—The Secretary concerned shall cancel grazing  
25      permits or leases waived under subsection (b) and perma-

1 nently retire the associated grazing allotments from do-  
2 mestic livestock grazing use, notwithstanding any other  
3 provision of law.

4 (d) COMPENSATION.—A permittee or lessee who  
5 waives a permit or lease to the Secretary concerned under  
6 subsection (b) shall be compensated at \$175 per animal  
7 unit month based on the average over the last 10 years  
8 of the numbers of animal unit months permitted to the  
9 permittee or lessee or the predecessors of the permittee  
10 or lessee, not including suspended animal unit months. In  
11 the case of an ephemeral grazing permit or lease, the per-  
12 mittee or lessee shall be compensated for the average over  
13 the last 10 years of the actual animal unit months of graz-  
14 ing use. If a permittee or lessee is in arrears of Federal  
15 grazing fees, the amount of fees in arrears shall be de-  
16 ducted from the amount of compensation otherwise due  
17 the permittee or lessee under this subsection.

18 (e) EFFECT OF WAIVER ON RANGE DEVELOP-  
19 MENTS.—A permittee or lessee that waives a permit or  
20 lease to the Secretary concerned under subsection (b) and  
21 receives compensation under subsection (d) shall be  
22 deemed to have waived any claim to all range develop-  
23 ments on the subject grazing allotment or allotments, not-  
24 withstanding any other provision of law.

1       (f) RELATION TO OTHER AUTHORITY.—Nothing in  
2 this section shall be construed to affect the authority of  
3 the Secretary concerned to otherwise modify or terminate  
4 grazing permits or leases without compensation. Nothing  
5 in this section shall be construed to create a property right  
6 in any grazing permit or lease on Federal lands.

7       (g) RETIREMENT OF CERTAIN LAND.—The Sec-  
8 retary concerned shall not issue grazing permits or leases  
9 for grazing allotments for which no valid current grazing  
10 permit or lease exists as of the date of the enactment of  
11 this Act and shall retire such grazing allotments from live-  
12 stock use as provided in subsection (c).

13       (h) EFFECT OF NONUSE OR REDUCED USE.—Not-  
14 withstanding any other provision of law, a permittee or  
15 lessee may opt not to graze a grazing allotment or to graze  
16 the grazing allotment at less than the minimum permitted  
17 level and still retain the grazing permit or lease for the  
18 remainder of its term. The Secretary concerned shall not  
19 take into consideration such non-use or reduced use of a  
20 grazing allotment when considering a request for the re-  
21 newal of the grazing permit or lease.

22       (i) RELATION TO EMINENT DOMAIN.—Nothing in  
23 this section shall be construed to authorize the use of emi-  
24 nent domain for the purpose of acquiring a grazing permit  
25 or lease.

1       (j)   RELATION   TO   OTHER   VALID   EXISTING  
2   RIGHTS.—Nothing in this section shall affect the alloca-  
3   tion, ownership, interest, or control, in existence as of the  
4   date of the enactment of this Act, of any water, water  
5   right, or any other valid existing right held by the United  
6   States, an Indian tribe, State or local government, or pri-  
7   vate individual, partnership, or corporation.

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