

Union Calendar No. 381

112TH CONGRESS
2D SESSION

H. R. 4234

[Report No. 112-533, Part I]

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 HOUSE OF REPRESENTATIVES

MARCH 21, 2012

Mr. LABRADOR (for himself, Mr. BISHOP of Utah, Mr. COSTA, Mr. GOSAR, Mr. HARRIS, Mrs. LUMMIS, Mrs. NOEM, Mr. REHBERG, Mrs. McMORRIS RODGERS, Mr. SIMPSON, and Mr. WALDEN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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

JUNE 15, 2012

Additional sponsors: Mr. BERG, Mr. AMODEI, Mr. McCLINTOCK, and Mr. KISSELL

JUNE 15, 2012

Reported from the Committee on Natural Resources with an amendment

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

JUNE 15, 2012

The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on March 21, 2012]

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 of 2012”.*

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—*

9 *(1) by striking “ten years” each place it appears*
 10 *and inserting “20 years”; and*

11 *(2) in subsection (b)—*

12 *(A) by striking “or” at the end of each of*
 13 *paragraphs (1) and (2);*

14 *(B) in paragraph (3), by striking the period*
 15 *at the end and inserting “; or”; and*

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

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

21 **SEC. 3. RENEWAL, TRANSFER, AND REISSUANCE OF GRAZ-**
 22 **ING PERMITS AND LEASES.**

23 *(a) AMENDMENT.—Title IV of the Federal Land Policy*
 24 *and Management Act of 1976 (43 U.S.C. 1751 et seq.) is*
 25 *amended by adding at the end the following:*

1 **“SEC. 405. RENEWAL, TRANSFER, AND REISSUANCE OF**
 2 **GRAZING PERMITS AND LEASES.**

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

4 “(1) *CURRENT GRAZING MANAGEMENT.—The*
 5 *term ‘current grazing management’ means grazing in*
 6 *accordance with the terms and conditions of an exist-*
 7 *ing permit or lease and includes any modifications*
 8 *that are consistent with an applicable Department of*
 9 *Interior resource management plan or Department of*
 10 *Agriculture land use plan.*

11 “(2) *SECRETARY CONCERNED.—The term ‘Sec-*
 12 *retary concerned’ means—*

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

15 “(B) *the Secretary of the Interior, with re-*
 16 *spect to land under the jurisdiction of the De-*
 17 *partment of the Interior.*

18 “(b) *RENEWAL, TRANSFER, REISSUANCE, AND PEND-*
 19 *ING PROCESSING.—A grazing permit or lease issued by the*
 20 *Secretary of the Interior, or a grazing permit issued by the*
 21 *Secretary of Agriculture regarding National Forest System*
 22 *land, that expires, is transferred, or is waived shall be re-*
 23 *newed or reissued under, as appropriate—*

24 “(1) *section 402;*

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

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

6 “(4) section 510 the California Desert Protection
7 Act of 1994 (16 U.S.C. 410aaa–50).

8 “(c) *TERMS; CONDITIONS.*—The terms and conditions
9 (except the termination date) contained in an expired,
10 transferred, or waived permit or lease described in sub-
11 section (b) shall continue in effect under a renewed or re-
12 issued permit or lease until the date on which the Secretary
13 concerned completes the processing of the renewed or re-
14 issued permit or lease that is the subject of the expired,
15 transferred, or waived permit or lease, in compliance with
16 each applicable law.

17 “(d) *CANCELLATION; SUSPENSION; MODIFICATION.*—
18 Notwithstanding subsection (c), a permit or lease described
19 in subsection (b) may be cancelled, suspended, or modified
20 in accordance with applicable law.

21 “(e) *RENEWAL TRANSFER REISSUANCE AFTER PROC-*
22 *ESSING.*—When the Secretary concerned has completed the
23 processing of the renewed or reissued permit or lease that
24 is the subject of the expired, transferred, or waived permit
25 or lease, the Secretary concerned may renew or reissue the

1 *permit or lease for a term of 20 years after completion of*
2 *processing.*

3 “(f) *COMPLIANCE WITH NATIONAL ENVIRONMENTAL*
4 *POLICY ACT OF 1969.*—*The renewal, reissuance, or transfer*
5 *of a grazing permit or lease by the Secretary concerned*
6 *may, at their sole discretion, be categorically excluded from*
7 *the requirement to prepare an environmental assessment or*
8 *an environmental impact statement if—*

9 “(1) *the decision continues to renew, reissue, or*
10 *transfer the current grazing management of the allot-*
11 *ment;*

12 “(2) *monitoring of the allotment has indicated*
13 *that the current grazing management has met, or has*
14 *satisfactorily progressed towards meeting, objectives*
15 *contained in the land use and resource management*
16 *plan of the allotment, as determined by the Secretary*
17 *concerned; or*

18 “(3) *the decision is consistent with the policy of*
19 *the Department of the Interior or the Department of*
20 *Agriculture, as appropriate, regarding extraordinary*
21 *circumstances.*

22 “(g) *PRIORITY AND TIMING FOR COMPLETING ENVI-*
23 *RONMENTAL ANALYSES.*—*The Secretary concerned, in the*
24 *sole discretion of the Secretary concerned, shall determine*
25 *the priority and timing for completing each required envi-*

1 *ronmental analysis regarding any grazing allotment, per-*
 2 *mit, or lease based on the environmental significance of the*
 3 *allotment, permit, or lease and available funding for that*
 4 *purpose.*

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

8 “(1) *Crossing and trailing authorizations of do-*
 9 *mestic livestock.*

10 “(2) *Transfer of grazing preference.*”.

11 “(b) *TABLE OF CONTENTS.*—*The table of contents for*
 12 *the Federal Land Policy and Management Act of 1976 is*
 13 *amended by adding after the item for section 404, the fol-*
 14 *lowing:*

 “Sec. 405. *Renewal, transfer, and reissuance of grazing permits and leases.*”.

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