

104TH CONGRESS
2^D SESSION

S. 1459

AN ACT

To provide for uniform management of livestock grazing
on Federal land, 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 (a) SHORT TITLE.—This title may be cited as the
5 “Public Rangelands Management Act of 1996.”

1 **SEC. 2. EFFECTIVE DATE.**

2 (a) IN GENERAL.—This Act and the amendments
3 and repeals made by this Act shall become effective on
4 the date of enactment.

5 (b) APPLICABLE REGULATIONS.—

6 (1) Except as provided in paragraph (2), graz-
7 ing of domestic livestock on lands administered by
8 the Chief of the Forest Service and the Director of
9 the Bureau of Land Management, as defined in sec-
10 tion 104(11) of this Act, shall be administered in ac-
11 cordance with the applicable regulations in effect for
12 each agency as of February 1, 1995, until such time
13 as the Secretary of Agriculture and the Secretary of
14 the Interior promulgate new regulations in accord-
15 ance with this Act.

16 (2) Resource Advisory Councils established by
17 the Secretary of the Interior after August 21, 1995,
18 may continue to operate in accordance with their
19 charters for a period not to extend beyond February
20 28, 1997, and shall be subject to the provisions of
21 this Act.

22 (c) NEW REGULATIONS.—With respect to title I of
23 this Act—

24 (1) the Secretary of Agriculture and the Sec-
25 retary of the Interior shall provide, to the maximum
26 extent practicable, for consistent and coordinated

1 administration of livestock grazing and management
2 of rangelands administered by the Chief of the For-
3 est Service and the Director of the Bureau of Land
4 Management, as defined in section 104(11) of this
5 Act, consistent with the laws governing the public
6 lands and the National Forest System;

7 (2) the Secretary of Agriculture and the Sec-
8 retary of the Interior shall, to the maximum extent
9 practicable, coordinate the promulgation of new reg-
10 ulations and shall publish such regulations simulta-
11 neously.

12 **TITLE I—MANAGEMENT OF**
13 **GRAZING ON FEDERAL LAND**
14 **Subtitle A—General Provisions**

15 **SEC. 101. FINDINGS.**

16 (a) FINDINGS.—Congress finds that—

17 (1) multiple use, as set forth in current law,
18 has been and continues to be a guiding principle in
19 the management of public lands and national for-
20 ests;

21 (2) through the cooperative and concerted ef-
22 forts of the Federal rangeland livestock industry,
23 Federal and State land management agencies, and
24 the general public, the Federal rangelands are in the

1 best condition they have been in during this century,
2 and their condition continues to improve;

3 (3) as a further consequence of those efforts,
4 populations of wildlife are increasing and stabilizing
5 across vast areas of the West;

6 (4) grazing preferences must continue to be
7 adequately safeguarded in order to promote the eco-
8 nomic stability of the western livestock industry;

9 (5) it is in the public interest to charge a fee
10 for livestock grazing permits and leases on Federal
11 land that is based on a formula that—

12 (A) reflects a fair return to the Federal
13 Government and the true costs to the permittee
14 or lessee; and

15 (B) promotes continuing cooperative stew-
16 ardship efforts;

17 (6) opportunities exist for improving efficiency
18 in the administration of the range programs on Fed-
19 eral land by—

20 (A) reducing planning and analysis costs
21 and their associated paperwork, procedural, and
22 clerical burdens; and

23 (B) refocusing efforts to the direct man-
24 agement of the resources themselves;

1 (7) in order to provide meaningful review and
2 oversight of the management of the public range-
3 lands and the grazing allotment on those rangelands,
4 refinement of the reporting of costs of various com-
5 ponents of the land management program is needed;

6 (8) greater local input into the management of
7 the public rangelands is in the best interests of the
8 United States;

9 (9) the western livestock industry that relies on
10 Federal land plays an important role in preserving
11 the social, economic, and cultural base of rural com-
12 munities in the Western States and further plays an
13 integral role in the economies of the 16 contiguous
14 Western States with Federal rangelands;

15 (10) maintaining the economic viability of the
16 western livestock industry is in the best interest of
17 the United States in order to maintain open space
18 and fish and wildlife habitat;

19 (11) since the enactment of the Federal Land
20 Policy and Management Act of 1976 (43 U.S.C.
21 1701 et seq.) and the amendment of section 6 of the
22 Forest and Rangeland Renewable Resources Plan-
23 ning Act of 1974 (16 U.S.C. 1604) by the National
24 Forest Management Act of 1976 (16 U.S.C. 472a et
25 seq.), the Secretary of the Interior and the Secretary

1 of Agriculture have been charged with coordinating
2 land use inventory, planning and management pro-
3 grams on Bureau of Land Management and Na-
4 tional Forest System lands with each other, other
5 Federal departments and agencies, Indian tribes,
6 and State and local governments within which the
7 lands are located, but to date such coordination has
8 not existed to the extent allowed by law; and

9 (12) it shall not be the policy of the United
10 States to increase or reduce total livestock numbers
11 on Federal land except as is necessary to provide for
12 proper management of resources, based on local con-
13 ditions, and as provided by existing law related to
14 the management of Federal land and this title.

15 (b) REPEAL OF EARLIER FINDINGS.—Section 2(a) of
16 the Public Rangelands Improvement Act of 1978 (43
17 U.S.C. 1901(a)) is amended—

18 (1) by striking paragraphs (1), (2), (3), and
19 (4);

20 (2) by redesignating paragraphs (5) and (6) as
21 paragraphs (1) and (2), respectively;

22 (3) in paragraph (1) (as so redesignated), by
23 adding “and” at the end; and

24 (4) in paragraph (2) (as so redesignated)—

1 (A) by striking “harrassment” and insert-
2 ing “harassment”; and

3 (B) by striking the semicolon at the end
4 and inserting a period.

5 **SEC. 102. APPLICATION OF ACT.**

6 (a) This Act applies to—

7 (1) the management of grazing on Federal land
8 by the Secretary of the Interior under—

9 (A) the Act of June 28, 1934 (commonly
10 known as the “Taylor Grazing Act”) (48 Stat.
11 1269, chapter 865; 43 U.S.C. 315 et seq.);

12 (B) the Act of August 28, 1937 (commonly
13 known as the “Oregon and California Railroad
14 and Coos Bay Wagon Road Grant Lands Act of
15 1937”) (50 Stat. 874, chapter 876; 43 U.S.C.
16 1181a et seq.);

17 (C) the Federal Land Policy and Manage-
18 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

19 (D) the Public Rangelands Improvement
20 Act of 1978 (43 U.S.C. 1901 et seq.);

21 (2) the management of grazing on Federal land
22 by the Secretary of Agriculture under—

23 (A) the 12th undesignated paragraph
24 under the heading “SURVEYING THE PUB-
25 LIC LANDS.” under the heading “UNDER

1 THE DEPARTMENT OF THE INTERIOR.”

2 in the first section of the Act of June 4, 1897
3 (commonly known as the “Organic Administra-
4 tion Act of 1897”) (30 Stat. 11, 35, chapter 2;
5 16 U.S.C. 551);

6 (B) the Act of April 24, 1950 (commonly
7 known as the “Granger-Thye Act of 1950”) (64
8 Stat. 85, 88, chapter 97; 16 U.S.C. 580g,
9 580h, 580l);

10 (C) the Multiple-Use Sustained Yield Act
11 of 1960 (16 U.S.C. 528 et seq.);

12 (D) the Forest and Rangeland Renewable
13 Resources Planning Act of 1974 (16 U.S.C.
14 1600 et seq.);

15 (E) the National Forest Management Act
16 of 1976 (16 U.S.C. 472a et seq.);

17 (F) the Federal Land Policy and Manage-
18 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

19 (G) the Public Rangelands Improvement
20 Act of 1978 (43 U.S.C. 1901 et seq.); and

21 (3) management of grazing by the Secretary on
22 behalf of the head of another department or agency
23 under a memorandum of understanding.

24 (b) Nothing in this title shall affect grazing in any
25 unit of the National Park System, National Wildlife Ref-

1 uge System or on any lands that are not Federal lands
2 as defined in this title.

3 (c) Nothing in this title shall limit or preclude the
4 use of and access to Federal land for hunting, fishing, rec-
5 reational, watershed management or other appropriate
6 multiple use activities in accordance with applicable Fed-
7 eral and State laws and the principles of multiple use.

8 (d) Nothing in this title shall affect valid existing
9 rights. Section 1323(a) and 1323(b) of Public Law 96-
10 487 shall continue to apply to nonfederally owned lands.

11 **SEC. 103. OBJECTIVE.**

12 The objective of this title is to—

13 (1) promote healthy, sustained rangeland;

14 (2) provide direction for the administration of
15 livestock grazing on Federal land;

16 (3) enhance productivity of Federal land by
17 conservation of forage resources, reduction of soil
18 erosion, and proper management of other resources
19 such as control of noxious species invasion;

20 (4) provide stability to the livestock industry
21 that utilizes the public rangeland;

22 (5) emphasize scientific monitoring of trends
23 and condition to support sound rangeland manage-
24 ment;

1 (6) maintain and improve the condition of ri-
2 parian areas which are critical to wildlife habitat
3 and water quality; and

4 (7) maintain and improve the condition of Fed-
5 eral land for multiple-use purposes, including but
6 not limited to wildlife and habitat, consistent with
7 land use plans and other objectives of this section.

8 **SEC. 104. DEFINITIONS.**

9 IN GENERAL.—In this title:

10 (1) ACTIVE USE.—The term “active use”
11 means the amount of authorized livestock grazing
12 use made at any time.

13 (2) ACTUAL USE.—The term “actual use”
14 means the number and kinds or classes of livestock,
15 and the length of time that livestock graze on, an al-
16 lotment.

17 (3) AFFECTED INTEREST.—The term “affected
18 interest” means an individual or organization that
19 has expressed in writing to the Secretary concern for
20 the management of livestock grazing on a specific al-
21 lotment, for the purpose of receiving notice of and
22 the opportunity for comment and informal consulta-
23 tion on proposed decisions of the Secretary affecting
24 the allotment.

1 (4) ALLOTMENT.—The term “allotment” means
2 an area of designated Federal land that includes
3 management for grazing of livestock.

4 (5) ALLOTMENT MANAGEMENT PLAN.—The
5 term “allotment management plan” has the same
6 meaning as defined in section 103(k) of Public Law
7 94–579 (43 U.S.C. 1702(k)).

8 (6) AUTHORIZED OFFICER.—The term “author-
9 ized officer” means a person authorized by the Sec-
10 retary to administer this title, the Acts cited in sec-
11 tion 102, and regulations issued under this title and
12 those Acts.

13 (7) BASE PROPERTY.—The term “base prop-
14 erty” means—

15 (A) private land that has the capability of
16 producing crops or forage that can be used to
17 support authorized livestock for a specified pe-
18 riod of the year; or

19 (B) water that is suitable for consumption
20 by livestock and is available to and accessible by
21 authorized livestock when the land is used for
22 livestock grazing.

23 (8) CANCEL; CANCELLATION.—The terms “can-
24 cel” and “cancellation” refer to a permanent termi-
25 nation, in whole or in part, of—

1 (A) a grazing permit or lease and grazing
2 preference; or

3 (B) other grazing authorization.

4 (9) CONSULTATION, COOPERATION, AND CO-
5 ORDINATION.—The term “consultation, cooperation,
6 and coordination” means, for the purposes of this
7 title and section 402(d) of the Federal Land Policy
8 and Management Act of 1976 (43 U.S.C. 1752(d)),
9 engagement in good faith efforts to reach consensus.

10 (10) COORDINATED RESOURCE MANAGE-
11 MENT.—The term “coordinated resource manage-
12 ment”—

13 (A) means the planning and implementa-
14 tion of management activities in a specified geo-
15 graphic area that require the coordination and
16 cooperation of the Bureau of Land Manage-
17 ment or the Forest Service with affected State
18 agencies, private land owners, and Federal land
19 users; and

20 (B) may include, but is not limited to prac-
21 tices that provide for conservation, resource
22 protection, resource enhancement or integrated
23 management of multiple-use resources.

24 (11) FEDERAL LAND.—The term “Federal
25 land”—

1 (A) means land outside the State of Alaska
2 that is owned by the United States and admin-
3 istered by—

4 (i) the Secretary of the Interior, act-
5 ing through the Director of the Bureau of
6 Land Management; or

7 (ii) the Secretary of Agriculture, act-
8 ing through the Chief of the Forest Service
9 in the 16 contiguous Western States; but
10 (B) does not include—

11 (i) land held in trust for the benefit of
12 Indians; or

13 (ii) the National Grasslands as de-
14 fined in section 203.

15 (12) GRAZING PERMIT OR LEASE.—The term
16 “grazing permit or lease” means a document author-
17 izing use of the Federal land—

18 (A) within a grazing district under section
19 3 of the Act of June 28, 1934 (commonly
20 known as the “Taylor Grazing Act”) (48 Stat.
21 1270, chapter 865; 43 U.S.C. 315b), for the
22 purpose of grazing livestock;

23 (B) outside grazing districts under section
24 15 of the Act of June 28, 1934 (commonly
25 known as the “Taylor Grazing Act”) (48 Stat.

1 1275, chapter 865; 43 U.S.C. 315m), for the
2 purpose of grazing livestock; or

3 (C) in a national forest under section 19 of
4 the Act of April 24, 1950 (commonly known as
5 the “Granger-Thye Act of 1950”) (64 Stat. 88,
6 chapter 97; 16 U.S.C. 5801), for the purposes
7 of grazing livestock.

8 (13) GRAZING PREFERENCE.—The term “graz-
9 ing preference” means the number of animal unit
10 months of livestock grazing on Federal land as adju-
11 dicated or apportioned and attached to base prop-
12 erty owned or controlled by a permittee or lessee.

13 (14) LAND BASE PROPERTY.—The term “land
14 base property” means base property described in
15 paragraph (7)(A).

16 (15) LAND USE PLAN.—The term “land use
17 plan” means—

18 (A) with respect to Federal land adminis-
19 tered by the Bureau of Land Management, one
20 of the following developed in accordance with
21 the Federal Land Policy and Management Act
22 of 1976 (43 U.S.C. 1701 et seq.)—

23 (i) a resource management plan; or

1 (ii) a management framework plan
2 that is in effect pending completion of a
3 resource management plan; and

4 (B) with respect to Federal land adminis-
5 tered by the Forest Service, a land and resource
6 management plan developed in accordance with
7 section 6 of the Forest and Rangeland Re-
8 sources Planning Act of 1974 (16 U.S.C.
9 1604).

10 (16) LIVESTOCK CARRYING CAPACITY.—The
11 term “livestock carrying capacity” means the maxi-
12 mum sustainable stocking rate that is possible with-
13 out inducing long-term damage to vegetation or re-
14 lated resources.

15 (17) MONITORING.—The term “monitoring”
16 means the orderly collection of data using scientif-
17 ically-based techniques to determine trend and con-
18 dition of rangeland resources. Data may include his-
19 torical information, but must be sufficiently reliable
20 to evaluate—

21 (A) effects of ecological changes and man-
22 agement actions; and

23 (B) effectiveness of actions in meeting
24 management objectives.

1 (18) RANGE IMPROVEMENT.—The term “range
2 improvement”—

3 (A) means an authorized activity or pro-
4 gram on or relating to rangeland that is de-
5 signed to—

- 6 (i) improve production of forage;
7 (ii) change vegetative composition;
8 (iii) control patterns of use;
9 (iv) provide water;
10 (v) stabilize soil and water conditions;

11 or

- 12 (vi) provide habitat for livestock, wild
13 horses and burros, and wildlife; and

14 (B) includes structures, treatment projects,
15 and use of mechanical means to accomplish the
16 goals described in subparagraph (A).

17 (19) RANGELAND STUDY.—The term “range-
18 land study” means a documented study or analysis
19 of data obtained on actual use, utilization, climatic
20 conditions, other special events, production trend,
21 and resource condition and trend to determine
22 whether management objectives are being met,
23 that—

24 (A) relies on the examination of physical
25 measurements of range attributes and not on

1 cursory visual scanning of land, unless the con-
2 dition to be assessed is patently obvious and re-
3 quires no physical measurements;

4 (B) utilizes a scientifically based and veri-
5 fiable methodology; and

6 (C) is accepted by an authorized officer.

7 (20) SECRETARY; SECRETARIES.—The terms
8 “Secretary” or “Secretaries” mean—

9 (A) the Secretary of the Interior, in ref-
10 erence to livestock grazing on Federal land ad-
11 ministered by the Director of the Bureau of
12 Land Management; and

13 (B) the Secretary of Agriculture, in ref-
14 erence to livestock grazing on Federal land ad-
15 ministered by the Chief of the Forest Service or
16 the National Grasslands referred to in title II.

17 (21) SUBLEASE.—The term “sublease” means
18 an agreement by a permittee or lessee that—

19 (A) allows a person other than the permit-
20 tee or lessee to graze livestock on Federal land
21 without controlling the base property support-
22 ing the grazing permit or lease; or

23 (B) allows grazing on Federal land by live-
24 stock not owned or controlled by the permittee
25 or lessee.

1 (22) SUSPEND; SUSPENSION.—The terms “sus-
2 pend” and “suspension” refer to a temporary with-
3 holding, in whole or in part, of a grazing preference
4 from active use, ordered by the Secretary or done
5 voluntarily by a permittee or lessee.

6 (23) UTILIZATION.—The term “utilization”
7 means the percentage of a year’s forage production
8 consumed or destroyed by herbivores.

9 (24) WATER BASE PROPERTY.—The term
10 “water base property” means base property de-
11 scribed in paragraph (7)(B).

12 **SEC. 105. FUNDAMENTALS OF RANGELAND HEALTH.**

13 (a) STANDARDS AND GUIDELINES.—The Secretary
14 shall establish standards and guidelines for addressing re-
15 source condition and trend on a State or regional level
16 in consultation with the Resource Advisory Councils estab-
17 lished in section 161, State departments of agriculture
18 and other appropriate State agencies, and academic insti-
19 tutions in each interested State. Standards and guidelines
20 developed pursuant to this subsection shall be consistent
21 with the objectives provided in section 103 and incor-
22 porated, by operation of law, into the applicable land use
23 plan to provide guidance and direction for Federal land
24 managers in the performance of their assigned duties.

1 (b) COORDINATED RESOURCE MANAGEMENT.—The
2 Secretary shall, where appropriate, authorize and encour-
3 age the use of coordinated resource management practices.

4 Coordinated resource management practices shall be—

5 (1) scientifically based;

6 (2) consistent with goals and management ob-
7 jectives of the applicable land use plan;

8 (3) for the purposes of promoting good steward-
9 ship and conservation of multiple-use rangeland re-
10 sources; and

11 (4) authorized under a cooperative agreement
12 with a permittee or lessee, or an organized group of
13 permittees or lessees in a specified geographic area.
14 Notwithstanding the mandatory qualifications re-
15 quired to obtain a grazing permit or lease by this or
16 any other Act, such agreement may include other in-
17 dividuals, organizations, or Federal land users.

18 (c) COORDINATION OF FEDERAL AGENCIES.—Where
19 coordinated resource management involves private land,
20 State land, and Federal land managed by the Bureau of
21 Land Management or the Forest Service, the Secretaries
22 are hereby authorized and directed to enter into coopera-
23 tive agreements to coordinate the associated activities of—

24 (1) the Bureau of Land Management;

25 (2) the Forest Service;

1 (3) the Natural Resources Conservation Service;
2 and

3 (4) State Grazing Districts established under
4 State law.

5 (d) RULE OF CONSTRUCTION.—Nothing in this title
6 or any other law implies that a minimum national stand-
7 ard or guideline is necessary.

8 **SEC. 106. LAND USE PLANS.**

9 (a) PRINCIPLE OF MULTIPLE USE AND SUSTAINED
10 YIELD.—An authorized officer shall manage livestock
11 grazing on Federal land under the principles of multiple
12 use and sustained yield and in accordance with applicable
13 land use plans.

14 (b) CONTENTS OF LAND USE PLAN.—With respect
15 to grazing administration, a land use plan shall—

16 (1) consider the impacts of all multiple uses, in-
17 cluding livestock and wildlife grazing, on the envi-
18 ronment and condition of public rangelands, and the
19 contributions of these uses to the management,
20 maintenance and improvement of such rangelands;

21 (2) establish available animal unit months for
22 grazing use, related levels of allowable grazing use,
23 resource condition goals, and management objectives
24 for the Federal land covered by the plan; and

1 (3) set forth programs and general manage-
2 ment practices needed to achieve the purposes of
3 this title.

4 (c) APPLICATION OF NEPA.—Land use plans and
5 amendments thereto shall be developed in conformance
6 with the requirements of the National Environmental Pol-
7 icy Act of 1969 (42 U.S.C. 4321 et seq.).

8 (d) CONFORMANCE WITH LAND USE PLAN.—Live-
9 stock grazing activities, management actions and decisions
10 approved by the authorized officer, including the issuance,
11 renewal, or transfer of grazing permits or leases, shall not
12 constitute major Federal actions requiring consideration
13 under the National Environmental Policy Act of 1969 (42
14 U.S.C. 4321 et seq.) in addition to that which is necessary
15 to support the land use plan, and amendments thereto.

16 (e) Nothing in this section is intended to override the
17 planning and public involvement processes of any other
18 Federal law pertaining to Federal lands.

19 **SEC. 107. REVIEW OF RESOURCE CONDITION.**

20 (a) Upon the issuance, renewal, or transfer of a graz-
21 ing permit or lease, and at least once every six (6) years,
22 the Secretary shall review all available monitoring data for
23 the affected allotment. If the Secretary's review indicates
24 that the resource condition is not meeting management

1 objectives, then the Secretary shall prepare a brief sum-
2 mary report which—

3 (1) evaluates the monitoring data;

4 (2) identifies the unsatisfactory resource condi-
5 tions and the use or management activities contrib-
6 uting to such conditions; and

7 (3) makes recommendations for any modifica-
8 tions to management activities, or permit or lease
9 terms and conditions necessary to meet management
10 objectives.

11 (b) The Secretary shall make copies of the summary
12 report available to the permittee or lessee, and affected
13 interests, and shall allow for a 30-day comment period to
14 coincide with the 30-day time period provided in section
15 155. At the end of such comment period, the Secretary
16 shall review all comments, and as the Secretary deems
17 necessary, modify management activities, and pursuant to
18 section 134, the permit or lease terms and conditions.

19 (c) If the Secretary determines that available mon-
20 itoring data are insufficient to make recommendations
21 pursuant to subsection (a)(3), the Secretary shall establish
22 a reasonable schedule to gather sufficient data pursuant
23 to section 123. Insufficient monitoring data shall not be
24 grounds for the Secretary to refuse to issue, renew or
25 transfer a grazing permit or lease, or to terminate or mod-

1 ify the terms and conditions of an existing grazing permit
2 or lease.

3 **Subtitle B—Qualifications and**
4 **Grazing Preferences**

5 **SEC. 111. SPECIFYING GRAZING PREFERENCE.**

6 (a) IN GENERAL.—A grazing permit or lease shall
7 specify—

8 (1) a historical grazing preference;

9 (2) active use, based on the amount of forage
10 available for livestock grazing established in the land
11 use plan;

12 (3) suspended use; and

13 (4) voluntary and temporary nonuse.

14 (b) ATTACHMENT OF GRAZING PREFERENCE.—A
15 grazing preference identified in a grazing permit or lease
16 shall attach to the base property supporting the grazing
17 permit or lease.

18 (c) ATTACHMENT OF ANIMAL UNIT MONTHS.—The
19 animal unit months of a grazing preference shall attach
20 to—

21 (1) the acreage of land base property on a pro
22 rata basis; or

23 (2) water base property on the basis of livestock
24 forage production within the service area of the
25 water.

1 **Subtitle C—Grazing Management**

2 **SEC. 121. ALLOTMENT MANAGEMENT PLANS.**

3 If the Secretary elects to develop or revise an allot-
4 ment management plan for a given area, he shall do so
5 in careful and considered consultation, cooperation, and
6 coordination with the lessees, permittees, and landowners
7 involved, the grazing advisory councils established pursu-
8 ant to section 162, and any State or States having lands
9 within the area to be covered by such allotment manage-
10 ment plan. The Secretary shall provide for public partici-
11 pation in the development or revision of an allotment man-
12 agement plan as provided in section 155.

13 **SEC. 122. RANGE IMPROVEMENTS.**

14 (a) RANGE IMPROVEMENT COOPERATIVE AGREE-
15 MENTS.—

16 (1) IN GENERAL.—The Secretary may enter
17 into a cooperative agreement with a permittee or les-
18 see for the construction, installation, modification,
19 removal, or use of a permanent range improvement
20 or development of a rangeland to achieve a manage-
21 ment or resource condition objective.

22 (2) COST-SHARING.—A range improvement co-
23 operative agreement shall specify how the costs or
24 labor, or both, shall be shared between the United
25 States and the other parties to the agreement.

1 (3) TITLE.—

2 (A) IN GENERAL.—Subject to valid exist-
3 ing rights, title to an authorized structural
4 range improvement under a range improvement
5 cooperative agreement shall be shared by the
6 cooperator(s) and the United States in propor-
7 tion to the value of the contributions (funding,
8 material, and labor) toward the initial cost of
9 construction.

10 (B) VALUE OF FEDERAL LAND.—For the
11 purpose of subparagraph (A), only a contribu-
12 tion to the construction, installation, or modi-
13 fication of a permanent rangeland improvement
14 itself, and not the value of Federal land on
15 which the improvement is placed, shall be taken
16 into account.

17 (4) NONSTRUCTURAL RANGE IMPROVE-
18 MENTS.—A range improvement cooperative agree-
19 ment shall ensure that the respective parties enjoy
20 the benefits of any nonstructural range improve-
21 ment, such as seeding, spraying, and chaining, in
22 proportion to each party's contribution to the im-
23 provement.

24 (5) INCENTIVES.—A range improvement coop-
25 erative agreement shall contain terms and conditions

1 that are designed to provide a permittee or lessee an
2 incentive for investing in range improvements.

3 (b) RANGE IMPROVEMENT PERMITS.—

4 (1) APPLICATION.—A permittee or lessee may
5 apply for a range improvement permit to construct,
6 install, modify, maintain, or use a range improve-
7 ment that is needed to achieve management objec-
8 tives within the permittee's or lessee's allotment.

9 (2) FUNDING.—A permittee or lessee shall
10 agree to provide full funding for construction, instal-
11 lation, modification, or maintenance of a range im-
12 provement covered by a range improvement permit.

13 (3) AUTHORIZED OFFICER TO ISSUE.—A range
14 improvement permit shall be issued at the discretion
15 of the authorized officer.

16 (4) TITLE.—Title to an authorized permanent
17 range improvement under a range improvement per-
18 mit shall be in the name of the permittee or lessee.

19 (5) CONTROL.—The use by livestock of stock
20 ponds or wells authorized by a range improvement
21 permit shall be controlled by the permittee or lessee
22 holding a range improvement permit.

23 (c) ASSIGNMENT OF RANGE IMPROVEMENTS.—An
24 authorized officer shall not approve the transfer of a graz-
25 ing preference, or approve use by the transferee of existing

1 range improvements unless the transferee has agreed to
2 compensate the transferor for the transferor's interest in
3 the authorized permanent improvements within the allot-
4 ment as of the date of the transfer.

5 **SEC. 123. MONITORING AND INSPECTION.**

6 (a) MONITORING.—Monitoring of resource condition
7 and trend of Federal land on an allotment shall be per-
8 formed by qualified persons approved by the Secretary, in-
9 cluding but not limited to Federal, State, or local govern-
10 ment personnel, consultants, and grazing permittees or
11 lessees.

12 (b) INSPECTION.—Inspection of a grazing allotment
13 shall be performed by qualified Federal, State or local
14 agency personnel, or qualified consultants retained by the
15 United States.

16 (c) MONITORING CRITERIA AND PROTOCOLS.—
17 Rangeland monitoring shall be conducted according to re-
18 gional or State criteria and protocols that are scientifically
19 based. Criteria and protocols shall be developed by the
20 Secretary in consultation with the Resource Advisory
21 Councils established in section 161, State departments of
22 agriculture and other appropriate State agencies, and aca-
23 demic institutions in each interested State.

24 (d) OVERSIGHT.—The authorized officer shall pro-
25 vide sufficient oversight to ensure that all monitoring is

1 conducted in accordance with criteria and protocols estab-
2 lished pursuant to subsection (c).

3 (e) NOTICE.—In conducting monitoring activities, the
4 Secretary shall provide reasonable notice of such activities
5 to permittees or lessees, including prior notice to the ex-
6 tent practicable of not less than 48 hours. Prior notice
7 shall not be required for the purposes of inspections, if
8 the authorized officer has substantial grounds to believe
9 that a violation of this or any other Act is occurring on
10 the allotment.

11 **SEC. 124. WATER RIGHTS.**

12 (a) IN GENERAL.—No water rights on Federal land
13 shall be acquired, perfected, owned, controlled, main-
14 tained, administered, or transferred in connection with
15 livestock grazing management other than in accordance
16 with State law concerning the use and appropriation of
17 water within the State.

18 (b) STATE LAW.—In managing livestock grazing on
19 Federal land, the Secretary shall follow State law with re-
20 gard to water right ownership and appropriation.

21 (c) AUTHORIZED USE OR TRANSPORT.—The Sec-
22 retary cannot require permittees or lessees to transfer or
23 relinquish all or a portion of their water right to another
24 party, including but not limited to the United States, as
25 a condition to granting a grazing permit or lease, range

1 improvement cooperative agreement or range improvement
2 permit.

3 (d) RULE OF CONSTRUCTION.—Nothing in this title
4 shall be construed to create an expressed or implied res-
5 ervation of water rights in the United States.

6 (e) VALID EXISTING RIGHTS.—Nothing in this Act
7 shall affect valid existing water rights.

8 **Subtitle D—Authorization of** 9 **Grazing Use**

10 **SEC. 131. GRAZING PERMITS OR LEASES.**

11 (a) TERMS.—A grazing permit or lease shall be is-
12 sued for a term of 12 years unless—

13 (1) the land is pending disposal;

14 (2) the land will be devoted to a public purpose
15 that precludes grazing prior to the end of 12 years;
16 or

17 (3) the Secretary determines that it would be in
18 the best interest of sound land management to speci-
19 fy a shorter term, if the decision to specify a shorter
20 term is supported by appropriate and accepted re-
21 source analysis and evaluation, and a shorter term
22 is determined to be necessary, based upon monitor-
23 ing information, to achieve resource condition goals
24 and management objectives.

1 (b) RENEWAL.—A permittee or lessee holding a graz-
2 ing permit or lease shall be given first priority at the end
3 of the term for renewal of the grazing permit or lease if—

4 (1) the land for which the grazing permit or
5 lease is issued remains available for domestic live-
6 stock grazing;

7 (2) the permittee or lessee is in compliance with
8 this title and the terms and conditions of the grazing
9 permit or lease; and

10 (3) the permittee or lessee accepts the terms
11 and conditions included by the authorized officer in
12 the new grazing permit or lease.

13 **SEC. 132. SUBLEASING.**

14 (a) IN GENERAL.—The Secretary shall only authorize
15 subleasing of a Federal grazing permit or lease, in whole
16 or in part—

17 (1) if the permittee or lessee is unable to make
18 full grazing use due to ill health or death; or

19 (2) under a cooperative agreement with a graz-
20 ing permittee or lessee (or group of grazing permit-
21 tees or lessees), pursuant to section 105(b).

22 (b) CONSIDERATIONS.—

23 (1) Livestock owned by a spouse, child, or
24 grandchild of a permittee or lessee shall be consid-

1 ered as owned by the permittee or lessee for the sole
2 purposes of this title.

3 (2) Leasing or subleasing of base property, in
4 whole or in part, shall not be considered as subleas-
5 ing of a Federal grazing permit or lease: *Provided*,
6 That the grazing preference associated with such
7 base property is transferred to the person controlling
8 the leased or subleased base property.

9 **SEC. 133. OWNERSHIP AND IDENTIFICATION OF LIVE-**
10 **STOCK.**

11 (a) IN GENERAL.—A permittee or lessee shall own
12 or control and be responsible for the management of the
13 livestock that graze the Federal land under a grazing per-
14 mit or lease.

15 (b) MARKING OR TAGGING.—An authorized officer
16 shall not impose any marking or tagging requirement in
17 addition to the requirement under State law.

18 **SEC. 134. TERMS AND CONDITIONS.**

19 (a) IN GENERAL.—

20 (1) The authorized officer shall specify the kind
21 and number of livestock, the period(s) of use, the
22 allotment(s) to be used, and the amount of use
23 (stated in animal unit months) in a grazing permit
24 or lease.

1 (2) A grazing permit or lease shall be subject
2 to such other reasonable terms or conditions as may
3 be necessary to achieve the objectives of this title, or
4 as contained in an approved allotment management
5 plan.

6 (3) No term or condition of a grazing permit or
7 lease shall be imposed pertaining to past practice or
8 present willingness of an applicant, permittee or les-
9 see to relinquish control of public access to Federal
10 land across private land.

11 (4) The authorized officer shall ensure that a
12 grazing permit or lease will be consistent with ap-
13 propriate standards and guidelines developed pursu-
14 ant to section 105 as are appropriate to the permit
15 or lease.

16 (b) MODIFICATION.—Following careful and consid-
17 ered consultation, cooperation, and coordination with per-
18 mittees and lessees, an authorized officer shall modify the
19 terms and conditions of a grazing permit or lease if mon-
20 itoring data show that the grazing use is not meeting the
21 management objectives established in a land use plan or
22 allotment management plan, and if modification of such
23 terms and conditions is necessary to meet specific manage-
24 ment objectives.

1 **SEC. 135. FEES AND CHARGES.**

2 (a) **GRAZING FEES.**—The fee for each animal unit
3 month in a grazing fee year to be determined by the Sec-
4 retary shall be equal to the three-year average of the total
5 gross value of production for beef cattle for the three years
6 preceding the grazing fee year, multiplied by the 10-year
7 average of the United States Treasury Securities 6-month
8 bill “new issue” rate, and divided by 12. The gross value
9 of production for beef cattle shall be determined by the
10 Economic Research Service of the Department of Agri-
11 culture in accordance with subsection (e)(1).

12 (b) **DEFINITION OF ANIMAL UNIT MONTH.**—For the
13 purposes of billing only, the term “animal unit month”
14 means one month’s use and occupancy of range by—

15 (1) one cow, bull, steer, heifer, horse, burro, or
16 mule, seven sheep, or seven goats, each of which is
17 six months of age or older on the date on which the
18 animal begins grazing on Federal land;

19 (2) any such animal regardless of age if the
20 animal is weaned on the date on which the animal
21 begins grazing on Federal land; and

22 (3) any such animal that will become 12
23 months of age during the period of use authorized
24 under a grazing permit or lease.

25 (c) **LIVESTOCK NOT COUNTED.**—There shall not be
26 counted as an animal unit month the use of Federal land

1 for grazing by an animal that is less than six months of
2 age on the date on which the animal begins grazing on
3 Federal land and is the natural progeny of an animal on
4 which a grazing fee is paid if the animal is removed from
5 the Federal land before becoming 12 months of age.

6 (d) OTHER FEES AND CHARGES.—

7 (1) CROSSING PERMITS, TRANSFERS, AND BILL-
8 ING NOTICES.—A service charge shall be assessed
9 for each crossing permit, transfer of grazing pref-
10 erence, and replacement or supplemental billing no-
11 tice except in a case in which the action is initiated
12 by the authorized officer.

13 (2) AMOUNT OF FLPMA FEES AND CHARGES.—
14 The fees and charges under section 304(a) of the
15 Federal Land Policy and Management Act of 1976
16 (43 U.S.C. 1734(a)) shall reflect processing costs
17 and shall be adjusted periodically as costs change.

18 (3) NOTICE OF CHANGE.—Notice of a change
19 in a service charge shall be published in the Federal
20 Register.

21 (e) CRITERIA FOR ERS.—

22 (1) The Economic Research Service of the De-
23 partment of Agriculture shall continue to compile
24 and report the gross value of production of beef cat-
25 tle, on a dollars-per-bred-cow basis for the United

1 States, as is currently published by the Service in:
2 “Economic Indicators of the Farm Sector: Cost of
3 Production—Major Field Crops and Livestock and
4 Dairy” (Cow-calf production cash costs and re-
5 turns).

6 (2) For the purposes of determining the grazing
7 fee for a given grazing fee year, the gross value of
8 production (as described above) for the previous cal-
9 endar year shall be made available to the Secretary
10 of the Interior and the Secretary of Agriculture, and
11 published in the Federal Register, on or before Feb-
12 ruary 15 of each year.

13 **SEC. 136. USE OF STATE SHARE OF GRAZING FEES.**

14 Section 10 of the Act of June 28, 1934 (commonly
15 known as the “Taylor Grazing Act”) (43 U.S.C. 315i) is
16 amended—

17 (1) in subsection (a), by striking “for the bene-
18 fit of” and inserting “in a manner that will result
19 in direct benefit to, improved access to, or more ef-
20 fective management of the rangeland resources in”;

21 (2) at the end of subsection (a), by striking “;”
22 and inserting “: *Provided further*, that no such mon-
23 eys shall be expended for litigation purposes;”;

24 (3) in subsection (b), by striking “for the bene-
25 fit of” and inserting “in a manner that will result

1 in direct benefit to, improved access to, or more ef-
 2 fective management of the rangeland resources in”;

3 (4) at the end of subsection (b), by striking “.”
 4 and inserting “: *Provided further*, That no such
 5 moneys shall be expended for litigation purposes.”.

6 **Subtitle E—Unauthorized Grazing** 7 **Use**

8 **SEC. 141. NONMONETARY SETTLEMENT.**

9 An authorized officer may approve a nonmonetary
 10 settlement of a case of a violation described in section 141
 11 if the authorized officer determines that each of the follow-
 12 ing conditions is satisfied:

13 (1) NO FAULT.—Evidence shows that the unau-
 14 thorized use occurred through no fault of the live-
 15 stock operator.

16 (2) INSIGNIFICANCE.—The forage use is insig-
 17 nificant.

18 (3) NO DAMAGE.—Federal land has not been
 19 damaged.

20 (4) BEST INTERESTS.—Nonmonetary settle-
 21 ment is in the best interests of the United States.

22 **SEC. 142. IMPOUNDMENT AND SALE.**

23 Any impoundment and sale of unauthorized livestock
 24 on Federal land shall be conducted in accordance with
 25 State law.

1 **Subtitle F—Procedure**

2 **SEC. 151. PROPOSED DECISIONS.**

3 (a) SERVICE ON APPLICANTS, PERMITTEES, LES-
4 SEES, AND LIENHOLDERS.—The authorized officer shall
5 serve, by certified mail or personal delivery, a proposed
6 decision on any applicant, permittee, lessee, or lienholder
7 (or agent of record of the applicant, permittee, lessee, or
8 lienholder) that is affected by—

9 (1) a proposed action on an application for a
10 grazing permit or lease, or range improvement per-
11 mit; or

12 (2) a proposed action relating to a term or con-
13 dition of a grazing permit or lease, or a range im-
14 provement permit.

15 (b) NOTIFICATION OF AFFECTED INTERESTS.—The
16 authorized officer shall send copies of a proposed decision
17 to affected interests.

18 (c) CONTENTS.—A proposed decision described in
19 subsection (a) shall—

20 (1) state reasons for the action, including ref-
21 erence to applicable law (including regulations);

22 (2) be based upon, and supported by rangeland
23 studies, where appropriate; and

1 (3) state that any protest to the proposed deci-
2 sion must be filed not later than 30 days after serv-
3 ice.

4 **SEC. 152. PROTESTS.**

5 An applicant, permittee, or lessee may protest a pro-
6 posed decision under section 151 in writing to the author-
7 ized officer within 30 days after service of the proposed
8 decision.

9 **SEC. 153. FINAL DECISIONS.**

10 (a) NO PROTEST.—In the absence of a timely filed
11 protest, a proposed decision described in section 151(a)
12 shall become the final decision of the authorized officer
13 without further notice.

14 (b) RECONSIDERATION.—If a protest is timely filed,
15 the authorized officer shall reconsider the proposed deci-
16 sion in light of the protestant's statement of reasons for
17 protest and in light of other information pertinent to the
18 case.

19 (c) SERVICE AND NOTIFICATION.—After reviewing
20 the protest, the authorized officer shall serve a final deci-
21 sion on the parties to the proceeding, and notify affected
22 interests of the final decision.

23 **SEC. 154. APPEALS.**

24 (a) IN GENERAL.—Any person whose interest is ad-
25 versely affected by a final decision of an authorized officer,

1 within the meaning of section 702 of title 5, United States
2 Code, may appeal the decision within 30 days after the
3 receipt of the decision, or within 60 days after the receipt
4 of a proposed decision if further notice of a final decision
5 is not required under this title, pursuant to applicable laws
6 and regulations governing the administrative appeals pro-
7 cess of the agency serving the decision. Being an affected
8 interest as described in section 104(3) shall not in and
9 of itself confer standing to appeal a final decision upon
10 any individual or organization.

11 (b) SUSPENSION PENDING APPEAL.—

12 (1) IN GENERAL.—An appeal of a final decision
13 shall suspend the effect of the decision pending final
14 action on the appeal unless the decision is made ef-
15 fective pending appeal under paragraph (2).

16 (2) EFFECTIVENESS PENDING APPEAL.—The
17 authorized officer may place a final decision in full
18 force and effect in an emergency to stop resource de-
19 terioration or economic distress, if the authorized of-
20 ficer has substantial grounds to believe that resource
21 deterioration or economic distress is imminent. Full
22 force and effect decisions shall take effect on the
23 date specified, regardless of an appeal.

24 (c) In the case of an appeal under this section, the
25 authorized officer shall, within 30 days of receipt, forward

1 the appeal, all documents and information submitted by
2 the applicant, permittee, lessee, or lienholder, and any per-
3 tinent information that would be useful in the rendering
4 of a decision on such appeal, to the appropriate authority
5 responsible for issuing the final decision on the appeal.

6 **SEC. 155. PUBLIC PARTICIPATION AND CONSULTATION.**

7 (a) GENERAL PUBLIC.—The Secretary shall provide
8 for public participation, including a reasonable oppor-
9 tunity to comment, on—

10 (1) land use plans and amendments thereto;

11 and

12 (2) development of standards and guidelines to
13 provide guidance and direction for Federal land
14 managers in the performance of their assigned du-
15 ties.

16 (b) AFFECTED INTERESTS.—At least 30 days prior
17 to the issuance of a final decision, the Secretary shall no-
18 tify affected interests of such proposed decision, and pro-
19 vide a reasonable opportunity for comment and informal
20 consultation regarding the proposed decision within such
21 30-day period, for—

22 (1) the designation or modification of allotment
23 boundaries;

24 (2) the development, revision, or termination of
25 allotment management plans;

- 1 (3) the increase or decrease of permitted use;
- 2 (4) the issuance, renewal, or transfer of grazing
3 permits or leases;
- 4 (5) the modification of terms and conditions of
5 permits or leases;
- 6 (6) reports evaluating monitoring data for a
7 permit or lease; and
- 8 (7) the issuance of temporary non-renewable
9 use permits.

10 **Subtitle G—Advisory Committees**

11 **SEC. 161. RESOURCE ADVISORY COUNCILS.**

12 (a) ESTABLISHMENT.—The Secretary of Agriculture
13 and the Secretary of the Interior, in consultation with the
14 Governors of the affected States, shall establish and oper-
15 ate joint Resource Advisory Councils on a State or re-
16 gional level to provide advice on management issues for
17 all lands administered by the Bureau of Land Manage-
18 ment and the Forest Service within such State or regional
19 area, except where the Secretaries determine that there
20 is insufficient interest in participation on a council to en-
21 sure that membership can be fairly balanced in terms of
22 the points of view represented and the functions to be per-
23 formed.

24 (b) DUTIES.—Each Resource Advisory Council shall
25 advise the Secretaries and appropriate State officials on—

1 (1) matters regarding the preparation, amend-
2 ment, and implementation of land use and activity
3 plans for public lands and resources within its area;
4 and

5 (2) major management decisions while working
6 within the broad management objectives established
7 for the district or national forest.

8 (c) DISREGARD OF ADVICE.—

9 (1) REQUEST FOR RESPONSE.—If a Resource
10 Advisory Council becomes concerned that its advice
11 is being arbitrarily disregarded, the Resource Advi-
12 sory Council may, by majority vote of its members,
13 request that the Secretaries respond directly to the
14 Resource Advisory Council's concerns within 60 days
15 after the Secretaries receive the request.

16 (2) EFFECT OF RESPONSE.—The response of
17 the Secretaries to a request under paragraph (1)
18 shall not—

19 (A) constitute a decision on the merits of
20 any issue that is or might become the subject
21 of an administrative appeal; or

22 (B) be subject to appeal.

23 (d) MEMBERSHIP.—

24 (1) The Secretaries, in consultation with the
25 Governor of the affected State or States, shall ap-

1 point the members of each Resource Advisory Coun-
2 cil. A council shall consist of not less than nine
3 members and not more than fifteen members.

4 (2) In appointing members to a Resource Advi-
5 sory Council, the Secretaries shall provide for bal-
6 anced and broad representation from among various
7 groups, including but not limited to, permittees and
8 lessees, other commercial interests, recreational
9 users, representatives of recognized local environ-
10 mental or conservation organizations, educational,
11 professional, or academic interests, representatives
12 of State and local government or governmental agen-
13 cies, Indian tribes, and other members of the af-
14 fected public.

15 (3) The Secretaries shall appoint at least one
16 elected official of general purpose government serv-
17 ing the people of the area of each Resource Advisory
18 Council.

19 (4) No person may serve concurrently on more
20 than one Resource Advisory Council.

21 (5) Members of a Resource Advisory Council
22 must reside in one of the States within the geo-
23 graphic jurisdiction of the council.

24 (e) SUBGROUPS.—A Resource Advisory Council may
25 establish such subgroups as the council deems necessary,

1 including but not limited to working groups, technical re-
2 view teams, and rangeland resource groups.

3 (f) TERMS.—Resource Advisory Council members
4 shall be appointed for two-year terms. Members may be
5 appointed to additional terms at the discretion of the Sec-
6 retaries.

7 (g) FEDERAL ADVISORY COMMITTEE ACT.—Except
8 to the extent that it is inconsistent with this subtitle, the
9 Federal Advisory Committee Act shall apply to the Re-
10 source Advisory Councils established under this section.

11 (h) OTHER FLPMA ADVISORY COUNCILS.—Nothing
12 in this section shall be construed as modifying the author-
13 ity of the Secretaries to establish other advisory councils
14 under section 309 of the Federal Land Policy and Man-
15 agement Act of 1976 (43 U.S.C. 1739).

16 (i) STATE GRAZING DISTRICTS.—Resource Advisory
17 Councils shall coordinate and cooperate with State Graz-
18 ing Districts established pursuant to State law.

19 **SEC. 162. GRAZING ADVISORY COUNCILS.**

20 (a) ESTABLISHMENT.—The Secretary, in consulta-
21 tion with the Governor of the affected State and with af-
22 fected counties, shall appoint not fewer than five nor more
23 than nine persons to serve on a Grazing Advisory Council
24 for each district and each national forest within the 16
25 contiguous Western States having jurisdiction over more

1 than 500,000 acres of public lands subject to commercial
2 livestock grazing. The Secretaries may establish joint
3 Grazing Advisory Councils wherever practicable.

4 (b) DUTIES.—The duties of Grazing Advisory Coun-
5 cils established pursuant to this section shall be to provide
6 advice to the Secretary concerning management issues di-
7 rectly related to the grazing of livestock on public lands,
8 including—

9 (1) range improvement objectives;

10 (2) the expenditure of range improvement or
11 betterment funds under the Public Rangelands Im-
12 provement Act of 1978 (43 U.S.C. 1901 et seq.) or
13 the Taylor Grazing Act (43 U.S.C. 315 et seq.);

14 (3) developing and implementation of grazing
15 management programs; and

16 (4) range management decisions and actions at
17 the allotment level.

18 (c) DISREGARD OF ADVICE.—

19 (1) REQUEST FOR RESPONSE.—If a Grazing
20 Advisory Council becomes concerned that its advice
21 is being arbitrarily disregarded, the Grazing Advi-
22 sory Council may, by unanimous vote of its mem-
23 bers, request that the Secretary respond directly to
24 the Grazing Advisory Council's concerns within 60
25 days after the Secretary receives the request.

1 (2) EFFECT OF RESPONSE.—The response of
2 the Secretary to a request under paragraph (1) shall
3 not—

4 (A) constitute a decision on the merits of
5 any issue that is or might become the subject
6 of an administrative appeal; or

7 (B) be subject to appeal.

8 (d) MEMBERSHIP.—The members of a Grazing Advi-
9 sory Council established pursuant to this section shall rep-
10 resent permittees, lessees, affected landowners, social and
11 economic interests within the district or national forest,
12 and elected State or county officers. All members shall
13 have a demonstrated knowledge of grazing management
14 and range improvement practices appropriate for the re-
15 gion, and shall be residents of a community within or adja-
16 cent to the district or national forest, or control a permit
17 or lease within the same area. Members shall be appointed
18 by the Secretary for a term of two years, and may be ap-
19 pointed for additional consecutive terms. The membership
20 of Grazing Advisory Councils shall be equally divided be-
21 tween permittees or lessees, and other interests: *Provided*,
22 That one elected State or county officer representing the
23 people of an area within the district or national forest
24 shall be appointed to create an odd number of members:
25 *Provided further*, That permittees or lessees appointed as

1 members of each Grazing Advisory Council shall be rec-
2 ommended to the Secretary by the permittees or lessees
3 of the district or national forest through an election con-
4 ducted under rules and regulations prescribed by the Sec-
5 retary.

6 (e) FEDERAL ADVISORY COMMITTEE ACT.—Except
7 to the extent that it is inconsistent with this subtitle, the
8 Federal Advisory Committee Act shall apply to the Graz-
9 ing Advisory Councils established pursuant to this section.

10 (f) STATE GRAZING DISTRICTS.—Grazing Advisory
11 Councils shall coordinate and cooperate with State Graz-
12 ing Districts established pursuant to State law.

13 **SEC. 163. GENERAL PROVISIONS.**

14 (a) DEFINITION OF DISTRICT.—For the purposes of
15 this subtitle, the term “district” means—

16 (1) a grazing district administered under sec-
17 tion 3 of the Act of June 28, 1934 (commonly
18 known as the “Taylor Grazing Act”) (48 Stat. 1270,
19 chapter 865; 43 U.S.C. 315b); or

20 (2) other lands within a State boundary which
21 are eligible for grazing pursuant to section 15 of the
22 Act of June 28, 1934 (commonly known as the
23 “Taylor Grazing Act”) (48 Stat. 1270, chapter 865;
24 43 U.S.C. 315m).

1 (b) TERMINATION OF SERVICE.—The Secretary may,
2 after written notice, terminate the service of a member
3 of an advisory committee if—

4 (1) the member—

5 (A) no longer meets the requirements
6 under which appointed;

7 (B) fails or is unable to participate regu-
8 larly in committee work; or

9 (C) has violated Federal law (including a
10 regulation); or

11 (2) in the judgment of the Secretary, termi-
12 nation is in the public interest.

13 (c) COMPENSATION AND REIMBURSEMENT OF EX-
14 PENSES.—A member of an advisory committee established
15 under sections 161 and 162 shall not receive any com-
16 pensation in connection with the performance of the mem-
17 ber’s duties as a member of the advisory committee, but
18 shall be reimbursed for travel and per diem expenses only
19 while on official business, as authorized by section 5703
20 of title 5, United States Code.

21 **SEC. 164. CONFORMING AMENDMENT AND REPEAL.**

22 (a) AMENDMENT.—The third sentence of section
23 402(d) of the Federal Land Policy and Management Act
24 of 1976 (43 U.S.C. 1752(d)) is amended by striking “dis-
25 trict grazing advisory boards established pursuant to sec-

1 tion 403 of the Federal Land Policy and Management Act
2 (43 U.S.C. 1753)” and inserting “Resource Advisory
3 Councils and Grazing Advisory Councils established under
4 section 161 and section 162 of the Public Rangelands
5 Management Act of 1996”.

6 (b) REPEAL.—Section 403 of the Federal Land Pol-
7 icy and Management Act of 1976 (43 U.S.C. 1753) is re-
8 pealed.

9 **Subtitle H—Reports**

10 **SEC. 171. REPORTS.**

11 (a) IN GENERAL.—Not later than March 1, 1997,
12 and annually thereafter, the Secretaries shall submit to
13 Congress a report that contains—

14 (1) an itemization of revenues received and
15 costs incurred directly in connection with the man-
16 agement of grazing on Federal land; and

17 (2) recommendations for reducing administra-
18 tive costs and improving the overall efficiency of
19 Federal rangeland management.

20 (b) ITEMIZATION.—If the itemization of costs under
21 subsection (a)(1) includes any costs incurred in connection
22 with the implementation of any law other than a statute
23 cited in section 102, the Secretaries shall indicate with
24 specificity the costs associated with implementation of
25 each such statute.

1 **Title II—Management of National**
2 **Grasslands**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “National Grasslands
5 Management Act of 1996”.

6 **SEC. 202. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) the inclusion of the National Grasslands
9 within the National Forest System has prevented the
10 Secretary of Agriculture from effectively administer-
11 ing and promoting grassland agriculture on National
12 Grasslands as originally intended under the
13 Bankhead-Jones Farm Tenant Act;

14 (2) the National Grasslands can be more effec-
15 tively managed by the Secretary of Agriculture if ad-
16 ministered as a separate entity outside of the Na-
17 tional Forest System; and

18 (3) a grazing program on National Grasslands
19 can be responsibly carried out while protecting and
20 preserving sporting, recreational, environmental, and
21 other multiple uses of the National Grasslands.

22 (b) PURPOSE.—The purpose of this title is to provide
23 for improved management and more efficient administra-
24 tion of grazing activities on National Grasslands while pre-
25 serving and protecting multiple uses of such lands, includ-

1 ing but not limited to preserving sportmen’s hunting and
2 fishing and other recreational activities, and protecting
3 wildlife habitat in accordance with applicable laws.

4 **SEC. 203. DEFINITIONS.**

5 As used in this title, the term—

6 (1) “National Grasslands” means those areas
7 managed as National Grasslands by the Secretary of
8 Agriculture under title III of the Bankhead-Jones
9 Farm Tenant Act (7 U.S.C. 1010–1012) on the day
10 before the date of enactment of this title; and

11 (2) “Secretary” means the Secretary of Agri-
12 culture.

13 **SEC. 204. REMOVAL OF NATIONAL GRASSLANDS FROM NA-
14 TIONAL FOREST SYSTEM.**

15 Section 11(a) of the Forest Rangeland Renewable
16 Resource Planning Act of 1974 (16 U.S.C. 1609(a)) is
17 amended by striking the phrase “the national grasslands
18 and land utilization projects administered under title III
19 of the Bankhead-Jones Farm Tenant Act (50 Stat. 525,
20 7 U.S.C. 1010–1012),”.

21 **SEC. 205. MANAGEMENT OF NATIONAL GRASSLANDS.**

22 (a) IN GENERAL.—The Secretary, acting through the
23 Chief of the Forest Service, shall manage the National
24 Grasslands as a separate entity in accordance with this
25 title and the provisions and multiple use purposes of title

1 III of the Bankhead-Jones Farm Tenant Act (7 U.S.C.
2 1010–1012).

3 (b) CONSULTATION.—The Secretary shall provide
4 timely opportunities for consultation and cooperation with
5 interested State and local government entities, and other
6 interested individuals and organizations in the develop-
7 ment and implementation of land use policies and plans,
8 and land conservation programs for the National Grass-
9 lands.

10 (c) GRAZING ACTIVITIES.—In furtherance of the pur-
11 poses of this title, the Secretary shall administer grazing
12 permits and implement grazing management decisions in
13 consultation, cooperation, and coordination with local
14 grazing associations and other grazing permit holders.

15 (d) REGULATIONS.—The Secretary shall promulgate
16 regulations to manage and protect the National Grass-
17 lands, taking into account the unique characteristics of the
18 National Grasslands and grasslands agriculture conducted
19 under the Bankhead-Jones Farm Tenant Act (7 U.S.C.
20 1010). Such regulations shall facilitate the efficient ad-
21 ministration of grazing and provide protection for the en-
22 vironment, wildlife, wildlife habitat, and Federal lands
23 equivalent to that on the National Grasslands on the day
24 prior to the date of enactment of this Act.

1 (e) CONFORMING AMENDMENT TO BANKHEAD-
2 JONES ACT.—Section 31 of the Bankhead-Jones Farm
3 Tenant Act (7 U.S.C. 1010) is amended to read as follows:

4 “To accomplish the purposes of title III of this Act,
5 the Secretary is authorized and directed to develop a sepa-
6 rate program of land conservation and utilization for the
7 National Grasslands, in order thereby to correct mal-
8 adjustments in land use, and thus assist in promoting
9 grassland agriculture and secure occupancy and economic
10 stability of farms and ranches, controlling soil erosion, re-
11 forestation, preserving and protecting natural resources,
12 protecting fish and wildlife and their habitat, developing
13 and protecting recreational opportunities and facilities,
14 mitigating floods, preventing impairment of dams and res-
15 ervoirs, developing energy resources, conserving surface
16 and subsurface moisture, protecting the watersheds of
17 navigable streams, and protecting the public lands, health,
18 safety and welfare, but not to build industrial parks or
19 commercial enterprises.”.

20 (f) SPORTSMEN’S HUNTING AND FISHING, AND
21 OTHER RECREATIONAL ACTIVITIES.—Nothing in this title
22 shall be construed as limiting or precluding sportsmen’s
23 hunting or fishing activities on National Grasslands in ac-
24 cordance with applicable Federal and State laws, nor shall
25 appropriate recreational activities be limited or precluded.

1 (g) VALID EXISTING RIGHTS.—

2 (1) IN GENERAL.—Nothing in this title shall
3 affect valid existing rights, reservations, agreements,
4 or authorizations. Section 1323(a) of Public Law
5 96–487 shall continue to apply to non-Federal land
6 and interests therein within the boundaries of the
7 National Grasslands.

8 (2) INTERIM USE AND OCCUPANCY.—

9 (A) Until such time as regulations concern-
10 ing the use and occupancy of the National
11 Grasslands are promulgated pursuant to this
12 title, the Secretary shall regulate the use and
13 occupancy of such lands in accordance with reg-
14 ulations applicable to such lands on May 25,
15 1995, to the extent practicable and consistent
16 with the provisions of this Act.

17 (B) Any applications for National Grass-
18 lands use and occupancy authorizations submit-
19 ted prior to the date of enactment of this Act,
20 shall continue to be processed without interrup-
21 tion and without reinitiating any processing ac-
22 tivity already completed or begun prior to such
23 date.

1 **SEC. 206. FEES AND CHARGES.**

2 Fees and charges for grazing on the National Grass-
3 lands shall be determined in accordance with section 135,
4 except that the Secretary may adjust the amount of a
5 grazing fee to compensate for approved conservation prac-
6 tices expenditures.

Passed the Senate March 21, 1996.

Attest:

Secretary.

104TH CONGRESS
2^D SESSION

S. 1459

AN ACT

To provide for uniform management of livestock grazing on Federal land, and for other purposes.

S 1459 ES—2

S 1459 ES—3

S 1459 ES—4

S 1459 ES—5