

112TH CONGRESS
1ST SESSION

H. R. 3432

To authorize voluntary grazing permit retirement on Federal lands managed by the Department of Agriculture or the Department of the Interior where livestock grazing is impractical, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2011

Mr. SMITH of Washington (for himself, Mr. GRIJALVA, Mr. DEFazio, Mr. BLUMENAUER, Ms. SCHWARTZ, Ms. LEE of California, and Mr. HINCHey) 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

A BILL

To authorize voluntary grazing permit retirement on Federal lands managed by the Department of Agriculture or the Department of the Interior where livestock grazing is impractical, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Rural Economic Vitalization Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- 3 Sec. 1. Short title; table of contents.
- 4 Sec. 2. Findings.
- 5 Sec. 3. Definitions.
- 6 Sec. 4. Rural vitalization program.
- 7 Sec. 5. Effect of waiver of grazing permit or lease.

8 **SEC. 2. FINDINGS.**

9 Congress finds the following:

10 (1) The use of Federal lands by grazing permit-
11 tees and lessees for commercial livestock grazing is
12 increasingly difficult due to growing conflicts with
13 other legitimate multiple uses of the lands, such as
14 environmental protection and burgeoning rec-
15 reational use, and with congressionally mandated
16 goals of wildlife and habitat protection and improved
17 water quality and quantity.

18 (2) A combination of sustained drought, foreign
19 competition, changing domestic markets, industry
20 restructuring, and individual ranch finances has re-
21 sulted in Federal grazing permits and leases becom-
22 ing stranded investments for many permittees and
lessees.

(3) Attempts to resolve grazing conflicts with
other multiple uses often require extensive range de-
velopments, intensive herd management, and contin-
uous monitoring that greatly increases costs to both

1 permittees and lessees and taxpayers, far out of pro-
2 portion to the benefit received.

3 (4) Certain grazing allotments on Federal lands
4 have, or are likely to become, unsuitable for commer-
5 cial livestock production as a result of the combined
6 effect of the factors referred to in paragraphs (1)
7 through (3) and other factors.

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

11 (6) Many permittees and lessees have indicated
12 their willingness to end their commercial livestock
13 grazing on Federal lands in exchange for compensa-
14 tion to reasonably compensate them for the effort
15 and investment that they have made in a grazing al-
16 lotment.

17 (7) Compensating permittees and lessees who
18 relinquish their grazing permit or lease would help
19 recapitalize an ailing sector of rural America by pro-
20 viding economic options to permittees and lessees
21 that do not presently exist by allowing them to re-
22 structure their ranch operations, start new busi-
23 nesses, or retire with security.

24 (8) Paying reasonable compensation for the re-
25 linquishment of a grazing permit or lease will help

1 alleviate the need for permittees and lessees to sell
2 or subdivide their private lands.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) ANIMAL UNIT MONTH.—The term “animal
6 unit month” means the amount of forage needed to
7 sustain one animal unit for one month, as deter-
8 mined by the Secretary issuing the grazing permit or
9 lease.

10 (2) COMMERCIAL LIVESTOCK GRAZING.—The
11 term “commercial livestock grazing” means the
12 grazing of domestic livestock on Federal lands as au-
13 thorized by a grazing permit or lease. The term does
14 not include beasts of burden used for recreational
15 purposes.

16 (3) GRAZING ALLOTMENT.—The term “grazing
17 allotment” means the designated portion of Federal
18 land upon which domestic livestock are permitted to
19 graze by a grazing permit or lease.

20 (4) GRAZING PERMIT; LEASE.—The terms
21 “grazing permit or lease” and “grazing permit and
22 lease” mean any document authorizing the use of
23 Federal lands for the purpose of commercial live-
24 stock grazing.

1 (5) PERMITTEE; LESSEE.—The terms “per-
2 mittee or lessee” and “permittee and lessee” mean
3 a livestock operator that holds a valid existing graz-
4 ing permit or lease.

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

12 (7) SECRETARIES.—The term “Secretaries” re-
13 fers to the Secretary of Agriculture and the Sec-
14 retary of Interior.

15 (8) SECRETARY.—The term “Secretary” means
16 the Secretary of Agriculture or the Secretary of the
17 Interior, as appropriate to the administration of a
18 grazing permit or lease.

19 **SEC. 4. RURAL VITALIZATION PROGRAM.**

20 (a) WAIVER OF GRAZING PERMIT OR LEASE.—

21 (1) ACCEPTANCE BY SECRETARY.—Subject to
22 the limitation set forth in subsection (c), the Sec-
23 retary shall accept any grazing permit or lease that
24 is waived by a grazing permittee or lessee.

1 (2) TERMINATION.—The Secretary shall termi-
2 nate any grazing permit or lease acquired under
3 paragraph (1).

4 (3) NO NEW GRAZING PERMIT OR LEASE.—
5 With respect to each grazing lease or grazing permit
6 waived under paragraph (1), the Secretary shall—

7 (A) not issue any new grazing permit or
8 lease within the grazing allotment covered by
9 the grazing permit or lease; and

10 (B) ensure a permanent end to livestock
11 grazing on the grazing allotment covered by the
12 grazing permit or lease.

13 (b) WAIVER OF GRAZING PERMIT OR LEASE ON
14 COMMON ALLOTMENTS.—

15 (1) IN GENERAL.—If a grazing allotment cov-
16 ered by a grazing permit or lease that is waived
17 under subsection (a) is also covered by another graz-
18 ing permit or lease that is not waived, the Secretary
19 shall reduce the level of commercial livestock grazing
20 on the grazing allotment to reflect the waiver.

21 (2) AUTHORIZED LEVEL.—To ensure that there
22 is a permanent reduction in the level of livestock
23 grazing on the land covered by the grazing permit
24 or lease waived under subsection (a), the Secretary

1 shall not allow grazing to exceed the level established
2 under paragraph (1).

3 (c) LIMITATION.—The Secretaries shall accept not
4 more than 100 grazing permits and leases, in the aggre-
5 gate, per year under this section on a first come, first
6 served basis.

7 **SEC. 5. EFFECT OF WAIVER OF GRAZING PERMIT OR**
8 **LEASE.**

9 (a) EFFECT ON RANGE DEVELOPMENTS.—A per-
10 mittee or lessee who waives a grazing permit or lease to
11 the Secretary under section 4 shall be deemed to have
12 waived any claim to all range developments on the associ-
13 ated grazing allotment, notwithstanding any other provi-
14 sion of law.

15 (b) SECURING RETIRED ALLOTMENTS AGAINST UN-
16 AUTHORIZED USE.—The Secretary shall ensure that graz-
17 ing allotments retired from grazing under this Act are ren-
18 dered reasonably secure from trespass grazing by domestic
19 livestock.

20 (c) RELATION TO OTHER AUTHORITY.—Nothing in
21 this Act shall be construed to affect the Secretary's au-
22 thority to modify or terminate grazing permits or leases
23 in accordance with other law.

24 (d) RELATION TO VALID EXISTING RIGHTS.—Noth-
25 ing in this Act affects the allocation, ownership, interest,

1 or control, in existence on the date of the enactment of
2 this Act, of any water, water right, or any other valid ex-
3 isting right held by the United States, Indian tribe, State,
4 county, municipality or private individual, partnership or
5 corporation.

○