

103D CONGRESS
1ST SESSION

S. 896

To amend the Federal Land Policy and Management Act of 1976 to promote ecologically healthy and biologically diverse ecosystems on rangelands used for domestic livestock grazing, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5 (legislative day, APRIL 19), 1993

Mr. METZENBAUM (for himself and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Federal Land Policy and Management Act of 1976 to promote ecologically healthy and biologically diverse ecosystems on rangelands used for domestic livestock grazing, 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 “Rangelands Restora-
5 tion Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the Federal Government has a public trust
2 responsibility for the Federal lands of the United
3 States for present and future generations;

4 (2) the Federal rangelands and riparian areas
5 administered by the Bureau of Land Management
6 and the Forest Service should be managed in such
7 a manner as will restore and maintain a complete
8 spectrum of native plant, fish, and wildlife species in
9 healthy range and riparian ecosystems;

10 (3) a substantial quantity of Federal range-
11 lands is in a deteriorated condition as a consequence
12 of improper domestic livestock grazing management
13 practices;

14 (4)(A) measures taken by the Bureau of Land
15 Management and the Forest Service to improve the
16 condition of Federal rangelands are not resulting in
17 significant progress towards the achievement of eco-
18 logically healthy and biologically diverse range and
19 riparian ecosystems for these lands; and

20 (B) alternative methods of Federal rangelands
21 management are needed; and

22 (5) the Federal land management agencies have
23 an affirmative responsibility to—

24 (A) assess the condition of Federal range-
25 lands; and

1 (B) approve activities on the rangelands
2 only when available data support the agency ac-
3 tion.

4 **SEC. 3. DEFINITIONS.**

5 Section 103 of the Federal Land Policy and Manage-
6 ment Act of 1976 (43 U.S.C. 1702) is amended—

7 (1) by striking subsection (k) and inserting the
8 following new subsection:

9 “(k) The term ‘allotment management plan’ means
10 a plan that—

11 “(1) is prepared under section 402(d);

12 “(2) applies to livestock operations on one or
13 more allotments;

14 “(3) will achieve the management objectives de-
15 scribed in section 402(b)(5); and

16 “(4) is prepared in consultation with the permit
17 holder and other interested persons.”;

18 (2) by striking subsection (o) and inserting the
19 following new subsection:

20 “(o) The term ‘16 contiguous Western States’ means
21 the States of Arizona, California, Colorado, Idaho, Kan-
22 sas, Montana, Nebraska, Nevada, New Mexico, North Da-
23 kota, Oklahoma, Oregon, South Dakota, Utah, Washing-
24 ton, and Wyoming.”;

1 (3) in subsection (p), by striking “eleven contig-
2 uous western” and inserting “16 contiguous West-
3 ern”; and

4 (4) by adding at the end the following new sub-
5 sections:

6 “(q) The term ‘allotment’ means a parcel of land that
7 is—

8 “(1) located within public lands or National
9 Forest System lands located within 1 or more of the
10 16 contiguous Western States; and

11 “(2) used for livestock grazing pursuant to a
12 grazing permit or lease issued by the appropriate
13 Secretary.

14 “(r) The term ‘appropriate Secretary’ means—

15 “(1) with respect to lands under the jurisdiction
16 of the Bureau, the Secretary; and

17 “(2) with respect to lands under the jurisdiction
18 of the Forest Service, the Secretary of Agriculture.

19 “(s) The term ‘declining trend’ means a trend away
20 from achieving the management objectives described in
21 section 402(b)(5).

22 “(t) The term ‘grazing actions and decisions’ means
23 all actions and decisions significantly affecting livestock
24 grazing on an allotment, including—

1 “(1) the issuance, renewal, or modification of
2 grazing permits or leases, livestock grazing sched-
3 ules, or management stipulations;

4 “(2) the modification of the terms or conditions
5 of grazing permits or leases;

6 “(3) the approval or denial of applications for
7 livestock grazing use or nongrazing use;

8 “(4) the temporary or permanent closure of
9 areas for livestock grazing; and

10 “(5) annual seasonal or temporary adjustments
11 in livestock numbers.

12 “(u) The term ‘interested person’ means a person
13 who has expressed in writing a desire to be notified of
14 grazing actions and decisions made with respect to a par-
15 ticular allotment, group of allotments, or planning area.

16 “(v) The term ‘livestock carrying capacity’ means the
17 maximum stocking rate of an allotment, under the then
18 current conditions on the allotment and given the range
19 improvements, livestock grazing systems, and livestock
20 distribution on the allotment, that meets the management
21 objectives described in section 402(b)(5), as determined
22 by the appropriate Secretary under section 402(b)(8).

23 “(w) The term ‘livestock grazing’ means the grazing
24 of domestic livestock on public lands or National Forest

1 System lands located within 1 or more of the 16 contig-
2 uous Western States.

3 “(x) The term ‘livestock grazing year’ means the year
4 that begins on March 1 of a given year and ends on the
5 last day of February of the following year.

6 “(y) The term ‘permit holder’ means a person who
7 holds a grazing permit or lease issued by the appropriate
8 Secretary for an allotment.

9 “(z) The term ‘potential natural vegetation’ means
10 thriving communities of the permanent, diverse species of
11 vegetation that were native to an area prior to European
12 settlement or disturbance of the area.

13 “(aa) The term ‘proper functioning condition’, with
14 respect to a riparian area, means that the riparian area—

15 “(1) dissipates energy associated with high
16 water flows and as a result reduces erosion and im-
17 proves water quality;

18 “(2) filtrates sediment and nutrients with re-
19 sulting positive flood plain development;

20 “(3) contributes to the root mass development
21 of riparian-dependent species of vegetation;

22 “(4) has stabilized stream banks;

23 “(5) has developed ponds and channel charac-
24 teristics that provide habitats and water depth, du-
25 ration, and temperature necessary for fish produc-

1 tion, waterfowl breeding, and other wildlife benefits;
2 and

3 “(6) promotes greater biological diversity.

4 “(bb) The term ‘range condition’ has the same mean-
5 ing as is provided in section 3(d) of the Public Rangelands
6 Improvement Act of 1978 (43 U.S.C. 1901(d)).

7 “(cc) The term ‘trend’ means the direction of change
8 over time, towards or away from achieving the manage-
9 ment objectives described in section 402(b)(5).”.

10 **SEC. 4. GRAZING REFORM.**

11 Title IV of the Federal Land Policy and Management
12 Act of 1976 (43 U.S.C. 1751 et seq.) is amended to read
13 as follows:

14 **“TITLE IV—RANGE**
15 **MANAGEMENT**

16 **“SEC. 401. GRAZING FEES AND STEWARDSHIP INCENTIVE**
17 **PROGRAM.**

18 “(a) FAIR MARKET VALUE FEES.—

19 “(1) IN GENERAL.—For the first livestock graz-
20 ing year that begins after the date of enactment of
21 this paragraph, and for each livestock grazing year
22 thereafter, the appropriate Secretary shall determine
23 fees for livestock grazing based on the private graz-
24 ing land lease rate established by the National Agri-
25 cultural Statistics Service of the Department of Ag-

1 riculture for the 6 pricing areas in the 16 contiguous
2 Western States.

3 “(2) APPLICABILITY.—Subject to subsection
4 (b), the fees referred to in paragraph (1) shall apply
5 to all permit holders.

6 “(3) MINIMUM AMOUNT OF FEES.—Notwith-
7 standing any other provision of this title, for each
8 livestock grazing year, the receipts from livestock
9 grazing fees (after the application of stewardship in-
10 centive credits under subsection (b)) shall, at a mini-
11 mum, cover the costs to the Federal Government of
12 administering livestock grazing activities, including
13 the costs of annual monitoring of the allotment to
14 ensure compliance with the terms of the stewardship
15 incentive program established under subsection (b).

16 “(b) STEWARDSHIP INCENTIVE PROGRAM.—

17 “(1) ESTABLISHMENT.—The appropriate Sec-
18 retary shall establish a stewardship incentive pro-
19 gram (referred to in this subsection as the ‘pro-
20 gram’) to provide for stewardship incentive credits
21 (referred to in this subsection as ‘incentive credits’)
22 against livestock grazing fees for permit holders who
23 maintain ecologically healthy rangelands.

24 “(2) ELIGIBILITY.—

1 “(A) IN GENERAL.—A permit holder shall
2 be eligible to participate in the program if—

3 “(i) the permit holder has held a graz-
4 ing permit or lease for the allotment to
5 which the incentive credit will apply for at
6 least 5 years; and

7 “(ii) an ecological site inventory has
8 been completed for the allotment, in ac-
9 cordance with guidelines prepared by the
10 Soil Conservation Service of the Depart-
11 ment of Agriculture.

12 “(B) DISQUALIFICATION.—A permit holder
13 shall be ineligible to participate in the program
14 if—

15 “(i) the permit holder is committing a
16 violation of this title or any applicable Fed-
17 eral or State environmental law related to
18 the grazing of domestic livestock on Fed-
19 eral rangelands; or

20 “(ii) with respect to an allotment of a
21 permit holder, the annual monitoring data
22 available to the appropriate Secretary
23 under paragraph (6) show that the allot-
24 ment—

1 “(I) reflects a declining trend
2 during the 2 years beginning on the
3 date of enactment of this subclause;
4 or

5 “(II) reflects a stable trend but
6 is in fair or poor condition.

7 “(3) APPLICATIONS.—

8 “(A) SUBMISSION.—To be eligible to par-
9 ticipate in the program, a permit holder must
10 file a written application requesting an incentive
11 credit with the Bureau or Forest Service dis-
12 trict office with jurisdiction over the allotment.

13 “(B) CONTENTS.—Each application for an
14 incentive credit shall include—

15 “(i) the name and address of the per-
16 mit holder and, if different from the per-
17 mit holder, the owner of the base property
18 (as defined in section 4100.0–5 of title 43,
19 Code of Federal Regulations);

20 “(ii) documentation of the condition
21 and trend of the allotment prepared by a
22 range specialist employed by the Bureau or
23 the Forest Service;

1 “(iii) evidence of the length of time
2 during which the permit holder has grazed
3 domestic livestock on the allotment; and

4 “(iv) if an allotment management plan
5 is required to receive an incentive credit, a
6 copy of the allotment management plan.

7 “(C) REVIEW.—The appropriate Secretary
8 shall promptly review a submitted application
9 for an incentive credit.

10 “(D) DECISION BY THE APPROPRIATE SEC-
11 RETARY.—Not later than 60 days after receiv-
12 ing a complete written application, the appro-
13 priate Secretary shall notify the permit holder
14 whether the permit holder is eligible to partici-
15 pate in the program.

16 “(E) LATE SUBMISSION.—If the permit
17 holder submits a complete application later
18 than the date that is 60 days prior to the be-
19 ginning of a livestock grazing year, the permit
20 holder shall be eligible for the incentive credit
21 only for the duration of the livestock grazing
22 year that remains after the appropriate Sec-
23 retary notifies the permit holder in accordance
24 with subparagraph (D).

25 “(4) INCENTIVE FACTORS.—

1 “(A) APPLICATION.—The livestock grazing
2 fee for each permit holder shall be calculated at
3 the beginning of each livestock grazing year.
4 Except as provided in paragraph (3)(E), each
5 eligible permit holder shall have an incentive
6 factor applied to the livestock grazing fee at the
7 beginning of the livestock grazing year.

8 “(B) FACTORS.—

9 “(i) TWENTY-FIVE PERCENT REDUC-
10 TION.—A 25 percent reduction in the an-
11 nual livestock grazing fee shall be available
12 for a permit holder on an allotment or por-
13 tion of an allotment that the appropriate
14 Secretary determines has cover—

15 “(I) that consists of potential
16 natural vegetation or that is reason-
17 ably anticipated to consist of potential
18 natural vegetation; or

19 “(II) that consists of less than
20 the condition described in subclause
21 (I), if the permit holder—

22 “(aa) has entered into an al-
23 lotment management plan con-
24 sistent with the management ob-

1 jectives described in section
2 402(b)(5); and

3 “(bb) has complied with the
4 terms of the allotment manage-
5 ment plan for at least 2 consecu-
6 tive years, based on the annual
7 monitoring data available to the
8 appropriate Secretary under
9 paragraph (6).

10 “(ii) ADDITIONAL 25 PERCENT RE-
11 DUCTION.—In addition to the reduction
12 authorized under clause (i), a 25 percent
13 reduction in the annual livestock grazing
14 fee shall be available for a permit holder
15 on an allotment or portion of an allotment
16 who meets the criteria under clause (i)(I),
17 if—

18 “(I) the annual monitoring data
19 available to the appropriate Secretary
20 under paragraph (6) for the allotment
21 indicates that the allotment has cover
22 that consists of potential natural vege-
23 tation or that reflects an improving
24 trend towards potential natural vege-
25 tation;

1 “(II) the permit holder certifies,
2 and the Secretary of Agriculture con-
3 firms, that the livestock operation is
4 not participating in any animal dam-
5 age control program under the Act of
6 March 2, 1931 (46 Stat. 1468, chap-
7 ter 370; 7 U.S.C. 426);

8 “(III) all of the riparian areas in
9 the allotment are in proper function-
10 ing condition; and

11 “(IV) the objectives of the allot-
12 ment management plan for the allot-
13 ment and the applicable land use plan
14 prepared pursuant to section 202, or
15 the land and resource management
16 plan prepared pursuant to section 6 of
17 the Forest and Rangeland Renewable
18 Resources Planning Act of 1974 (16
19 U.S.C. 1604), are being met.

20 “(5) SPECIAL APPLICABILITY RULES.—

21 “(A) ENTIRE ALLOTMENT QUALIFIES FOR
22 INCENTIVE CREDIT.—If more than 1 permit
23 holder is utilizing an allotment, the incentive
24 credit shall apply to all permit holders within

1 the allotment if the entire allotment qualifies
2 for an incentive credit.

3 “(B) PORTION QUALIFIES FOR INCENTIVE
4 CREDIT.—

5 “(i) IN GENERAL.—Subject to clause
6 (ii), if only a portion of the allotment
7 qualifies for an incentive credit, the incen-
8 tive credit shall apply only to the forage
9 value in the qualifying pasture within the
10 allotment.

11 “(ii) UPLAND AND LOWLAND POR-
12 TIONS.—Both the upland and the lowland
13 or riparian portions of the pasture must
14 qualify for the incentive credit in order for
15 the credit to apply to the pasture.

16 “(6) MONITORING.—

17 “(A) IN GENERAL.—On an annual basis,
18 the appropriate Secretary shall monitor each al-
19 lotment or portion of each allotment included in
20 the program.

21 “(B) UNAVAILABLE DATA.—If monitoring
22 data for an allotment are not available to deter-
23 mine compliance with the terms of the program
24 in a year, the incentive credit shall not be avail-
25 able for the allotment for the year.

1 “(c) FEE RECEIPT EXPENDITURES.—

2 “(1) IN GENERAL.—Notwithstanding any other
3 provision of law, the appropriate Secretary shall use
4 the funds described in paragraph (3) for—

5 “(A) the restoration and enhancement of
6 fish and wildlife habitats;

7 “(B) the restoration and improved man-
8 agement of riparian areas; and

9 “(C) the implementation and enforcement
10 of allotment management plans, allotment plans
11 required under section 402(b)(3)(B)(ii), and
12 regulations regarding the use of lands for live-
13 stock grazing developed pursuant to this title.

14 “(2) DISTRIBUTION.—The funds described in
15 paragraph (3) shall be distributed as the appropriate
16 Secretary considers appropriate after consultation
17 and coordination with the advisory councils estab-
18 lished pursuant to section 309 and other interested
19 persons.

20 “(3) FUNDS.—In carrying out this subsection,
21 the appropriate Secretary shall use funds appro-
22 priated pursuant to—

23 “(A) this section;

24 “(B) section 5 of the Public Rangelands
25 Improvement Act of 1978 (43 U.S.C. 1904); or

1 “(C) any other provision of law relating to
2 the disposition of the Federal share of receipts
3 for livestock grazing on public lands or National
4 Forest System lands located within the 16 con-
5 tiguous Western States.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Department of
8 the Interior and the Department of Agriculture amounts
9 equal to amounts received in the Treasury under this sec-
10 tion.

11 **“SEC. 402. GRAZING PERMITS AND LEASES.**

12 “(a) IN GENERAL.—

13 “(1) PERMIT REQUIREMENT.—In order to en-
14 gage in livestock grazing on an allotment, a person
15 must obtain from the appropriate Secretary a graz-
16 ing permit or lease under applicable law.

17 “(2) ELIGIBILITY.—A person described in para-
18 graph (1) who is in violation of this title may not
19 receive or renew a grazing permit or lease.

20 “(b) TERMS AND CONDITIONS.—

21 “(1) CONDITIONS FOR ISSUANCE AND RE-
22 NEWAL.—

23 “(A) ALLOTMENT REVIEW AND EVALUA-
24 TION.—

1 “(i) IN GENERAL.—Prior to the issu-
2 ance or renewal of a grazing permit or
3 lease, the appropriate Secretary, with the
4 participation of interested persons, shall
5 utilize available information to deter-
6 mine—

7 “(I) the extent to which the allot-
8 ment contains a complete spectrum of
9 native plant, fish, and wildlife species
10 in healthy range and riparian
11 ecosystems;

12 “(II) the status and trend of the
13 vegetation of the allotment;

14 “(III) the suitability of the allot-
15 ment for livestock grazing as deter-
16 mined under section 403; and

17 “(IV) the degree to which the
18 management objectives described in
19 paragraph (5) and in the applicable
20 land use plan prepared pursuant to
21 section 202, or the land and resource
22 management plan prepared pursuant
23 to section 6 of the Forest and Range-
24 land Renewable Resources Planning
25 Act of 1974 (16 U.S.C. 1604), have

1 been and are being met with respect
2 to the allotment.

3 “(ii) GRAZING PREFERENCE.—In car-
4 rying out the allotment review and evalua-
5 tion under clause (i), the appropriate Sec-
6 retary shall determine the grazing pref-
7 erence (as defined in section 4100.0–5 of
8 title 43, Code of Federal Regulations) for
9 the allotment based on the livestock carry-
10 ing capacity of the allotment.

11 “(B) ISSUANCE.—The appropriate Sec-
12 retary shall issue a grazing permit or lease for
13 an allotment if—

14 “(i) the information described in sub-
15 paragraph (A)(i) is available;

16 “(ii) the appropriate Secretary finds
17 that the permit or lease will meet the man-
18 agement objectives described in paragraph
19 (5); and

20 “(iii) the appropriate Secretary finds
21 that the lands in the allotment are suitable
22 for livestock grazing.

23 “(2) COMPONENTS.—Each grazing permit or
24 lease shall—

1 “(A) indicate the authorized number of
2 livestock that may be grazed on the allotment,
3 as determined in accordance with the manage-
4 ment objectives described in paragraph (5), tak-
5 ing into account the impact of livestock grazing
6 on other resources and uses (except that the
7 authorized number may not be in excess of the
8 livestock carrying capacity of the allotment);

9 “(B) indicate the authorized period of live-
10 stock grazing use for the allotment, including
11 the beginning and ending dates for each period
12 of use;

13 “(C) indicate the type, location, and own-
14 ership of the lands and water that are subject
15 to the permit or lease, including the boundaries
16 of the lands and water;

17 “(D) include an approved allotment man-
18 agement plan (if a plan is required to receive a
19 stewardship incentive credit under section
20 401(b));

21 “(E) describe the range improvements that
22 exist on the allotment as of the date of issuance
23 of the permit or lease;

24 “(F) describe the monitoring measures
25 that will be used to ensure that the terms of the

1 permit or lease and the allotment plan required
2 under paragraph (3)(B)(ii) will be achieved;

3 “(G) describe data on water quality that
4 are available for water resources located within
5 the allotment; and

6 “(H) include such additional information
7 as the appropriate Secretary determines is ap-
8 propriate.

9 “(3) CONDITIONS.—

10 “(A) IN GENERAL.—Each permit or lease
11 shall contain the conditions described in sub-
12 paragraph (B).

13 “(B) CONDITIONS.—

14 “(i) PUBLIC RIGHT OF ACCESS.—The
15 public has a right of access to the allot-
16 ment.

17 “(ii) IMPLEMENTATION OF ALLOT-
18 MENT PLAN.—The permit holder shall be
19 responsible for the development and suc-
20 cessful implementation of an allotment
21 plan for the allotment.

22 “(iii) WILDLIFE.—The permit holder
23 may not preclude wildlife and wild and free
24 roaming horses and burros from access to
25 any portion of the allotment, including any

1 water development, without the prior ap-
2 proval of the appropriate Secretary.

3 “(iv) MODIFICATION BY APPROPRIATE
4 SECRETARY.—At the discretion of the ap-
5 propriate Secretary, the appropriate Sec-
6 retary may review the range condition of
7 the allotment and modify the terms of the
8 permit or lease to meet the management
9 objectives described in paragraph (5).

10 “(4) TERMS.—

11 “(A) REGULAR TERM.—

12 “(i) IN GENERAL.—Except as pro-
13 vided in subparagraph (B), a grazing per-
14 mit or lease described in clause (ii) shall
15 apply for a term of 10 years.

16 “(ii) PERMITS AND LEASES.—The
17 permit or lease referred to in clause (i) is
18 a permit or lease—

19 “(I) issued by the Secretary—

20 “(aa) under the Act entitled
21 ‘An Act to stop injury to the
22 public grazing lands by prevent-
23 ing overgrazing and soil deterio-
24 ration, to provide for their or-
25 derly use, improvement, and de-

1 velopment, to stabilize the live-
2 stock industry dependent upon
3 the public range, and for other
4 purposes’, approved June 28,
5 1934 (43 U.S.C. 315b) (com-
6 monly known as the ‘Taylor
7 Grazing Act’); or

8 “(bb) under section 4 of the
9 Act entitled ‘An Act relating to
10 the revested Oregon and Califor-
11 nia Railroad and reconveyed Coos
12 Bay Wagon Road grant lands sit-
13 uated in the state of Oregon’, ap-
14 proved August 28, 1937 (43
15 U.S.C. 1181d); or

16 “(II) issued by the Secretary of
17 Agriculture under section 19 of the
18 Act entitled ‘An Act to facilitate and
19 simplify the work of the Forest Serv-
20 ice, and for other purposes’, approved
21 April 24, 1950 (16 U.S.C. 580)
22 (commonly known as the ‘Granger-
23 Thye Act’), with respect to National
24 Forest System lands located within 1

1 or more of the 16 contiguous Western
2 States.

3 “(B) SHORTER TERMS.—A grazing permit
4 or lease may be issued by the appropriate Sec-
5 retary for a term shorter than 10 years if the
6 appropriate Secretary determines that—

7 “(i) the lands are pending disposal;

8 “(ii) the lands will be devoted to a
9 public purpose or be designated unsuitable
10 for livestock grazing prior to the end of 10
11 years; or

12 “(iii) it is in the best interest of sound
13 land management to specify a shorter
14 term.

15 “(5) MANAGEMENT OBJECTIVES.—

16 “(A) IN GENERAL.—A grazing permit or
17 lease shall be consistent with the management
18 objectives described in subparagraph (B).

19 “(B) OBJECTIVES.—

20 “(i) VEGETATION.—The vegetation on
21 the allotment reflects—

22 “(I) an improving trend towards
23 known or reasonably anticipated po-
24 tential natural vegetation; or

1 “(II) a stable condition after
2 being improved as described in
3 subclause (I).

4 “(ii) RIPARIAN SYSTEMS.—The ripar-
5 ian systems are in proper functioning con-
6 dition.

7 “(iii) WATER RESOURCES.—Water re-
8 sources within the allotment are in compli-
9 ance with applicable water quality stand-
10 ards, and livestock grazing does not cause
11 erosion in the allotment.

12 “(iv) WILDLIFE.—The allotment sup-
13 ports a complete spectrum of indigenous
14 plant, fish, and wildlife species.

15 “(v) PLANS.—The condition of the al-
16 lotment reflects satisfactory progress in
17 meeting—

18 “(I) the objectives of the land use
19 plan prepared pursuant to section
20 202, or the land and resource man-
21 agement plan prepared pursuant to
22 section 6 of the Forest and Rangeland
23 Renewable Resources Planning Act of
24 1974 (16 U.S.C. 1604), applicable to
25 the allotment; and

1 “(II) other objectives established
2 by the appropriate Secretary in any
3 applicable allotment management plan
4 or rangeland evaluation.

5 “(6) PRIORITY FOR RENEWAL.—The permit
6 holder of an expiring grazing permit or lease shall
7 be given first priority for receipt of a new grazing
8 permit or lease if—

9 “(A) the lands for which the grazing per-
10 mit or lease is issued remain available for live-
11 stock grazing in accordance with this title and
12 with land use plans prepared pursuant to sec-
13 tion 202 or land and resource management
14 plans prepared pursuant to section 6 of the
15 Forest and Rangeland Renewable Resources
16 Planning Act of 1974 (16 U.S.C. 1604);

17 “(B) the permit holder is in compliance
18 with the applicable rules and regulations issued,
19 and the terms and conditions of the expiring
20 grazing permit or lease specified, by the appro-
21 priate Secretary; and

22 “(C) the permit holder accepts the terms
23 and conditions to be included by the appro-
24 priate Secretary in the new grazing permit or
25 lease.

1 “(7) EXISTING PERMITS.—A grazing permit or
2 lease in effect on the date of enactment of this para-
3 graph shall comply with the requirements of this
4 title not later than the earlier of—

5 “(A) 10 years after the date; or

6 “(B) the date of expiration of the grazing
7 permit or lease.

8 “(8) DETERMINATION OF LIVESTOCK CARRYING
9 CAPACITY.—

10 “(A) IN GENERAL.—The appropriate Sec-
11 retary shall determine the livestock carrying ca-
12 pacity of an allotment.

13 “(B) CONSIDERATION OF INFORMATION.—
14 In making a determination under subparagraph
15 (A), the appropriate Secretary shall consider all
16 available information regarding the allotment,
17 including range monitoring data, range surveys,
18 vegetation inventories, field observations, and
19 the number of animals that used the rangeland
20 forage on the allotment during past grazing
21 seasons.

22 “(C) ESTIMATES.—If the appropriate Sec-
23 retary determines that additional information is
24 needed for an accurate determination of live-
25 stock carrying capacity, the appropriate Sec-

1 retary shall estimate the capacity on the basis
2 of the best available information.

3 “(D) CONSIDERATION OF CERTAIN RANGE
4 IMPROVEMENTS.—If the appropriate Secretary
5 plans or anticipates range improvements, live-
6 stock grazing systems, or improvements in live-
7 stock distribution that will increase livestock
8 carrying capacity, the effects of the improve-
9 ments shall not be considered in the determina-
10 tion of livestock carrying capacity until the im-
11 provements are in place and operative.

12 “(c) CANCELLATION, SUSPENSION, OR MODIFICA-
13 TION.—

14 “(1) IN GENERAL.—The appropriate Secretary
15 may—

16 “(A) cancel, suspend, or modify a grazing
17 permit or lease, in whole or in part, pursuant
18 to the terms and conditions of the permit or
19 lease;

20 “(B) cancel or suspend a grazing permit or
21 lease for any violation of a livestock grazing
22 regulation or any term or condition of the graz-
23 ing permit or lease; or

24 “(C) cancel, suspend, or modify a grazing
25 permit or lease if necessary or appropriate to—

1 “(i) meet a management objective de-
2 scribed in subsection (b)(5);

3 “(ii) conform with an applicable allot-
4 ment management plan;

5 “(iii) manage, maintain, or improve
6 rangeland productivity; or

7 “(iv) comply with another law.

8 “(2) COMPENSATION FOR CERTAIN CANCELLA-
9 TIONS.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graph (B), if a grazing permit or lease is can-
12 celed in whole or in part in order to devote the
13 lands that are the subject of the grazing permit
14 or lease to another public purpose, including
15 disposal, the permit holder shall receive from
16 the United States a reasonable compensation
17 for the adjusted value (to be determined by the
18 appropriate Secretary) of, or the interest of the
19 permit holder (based on capital expenditures)
20 in, authorized permanent improvements placed
21 or constructed by the permit holder on lands
22 that are the subject of the grazing permit or
23 lease.

24 “(B) MAXIMUM AMOUNT.—Compensation
25 under subparagraph (A) may not exceed the

1 fair market value of the terminated portion of
2 the interest of the permit holder in the improve-
3 ments.

4 “(C) NOTIFICATION.—Except in a case of
5 an emergency or when necessary to comply with
6 applicable Federal or State law or to meet a
7 management objective described in subsection
8 (b)(5), a grazing permit or lease may not be
9 canceled under this subsection unless the per-
10 mit holder is notified not later than 2 years be-
11 fore the cancellation.

12 “(d) ALLOTMENT MANAGEMENT PLANS.—

13 “(1) IN GENERAL.—The appropriate Secretary
14 may enter into an allotment management plan with
15 1 or more permit holders, after notice and oppor-
16 tunity for comment from interested persons, that
17 prescribes the manner in and extent to which live-
18 stock operations will be conducted to achieve the
19 management objectives described in subsection
20 (b)(5).

21 “(2) UPDATES AND REVISIONS.—

22 “(A) IN GENERAL.—A plan may be up-
23 dated and revised after consultation with the
24 affected permit holders and other interested

1 persons concerning the allotments subject to the
2 plan.

3 “(B) ADJUSTMENTS IN CAPACITY.—The
4 updated or revised plan may include such ad-
5 justments in the livestock carrying capacity as
6 are necessary to carry out this title.

7 “(3) PRIORITY FOR PLANS.—In the develop-
8 ment of allotment management plans, the appro-
9 priate Secretary shall give priority to watershed
10 maintenance and restoration, incorporating 1 or
11 more allotments, as the case may be.

12 “(4) IMPLEMENTATION.—An allotment man-
13 agement plan shall include attainable and enforce-
14 able goals and shall be fully implemented not later
15 than 5 years after the date of approval of the plan
16 by the appropriate Secretary.

17 “(5) EFFECT OF ALLOTMENT MANAGEMENT
18 PLANS ON NON-FEDERAL LANDS.—An allotment
19 management plan shall not apply to livestock oper-
20 ations or range improvements on non-Federal lands
21 unless the non-Federal lands are intermingled with,
22 or, with the consent of the permit holder involved,
23 associated with, the Federal lands subject to the
24 plan.

1 “(6) RIGHT OF APPEAL FROM ALLOTMENT
2 MANAGEMENT PLANS.—The appropriate Secretary
3 shall grant to permit holders the right of appeal
4 from decisions that specify the terms and conditions
5 of allotment management plans. The preceding sen-
6 tence is not intended to limit any other right of ap-
7 peal from decisions of the appropriate Secretary.

8 “(e) NONGRAZING STATUS.—

9 “(1) IN GENERAL.—If an agency or a subdivi-
10 sion of a State, a nongovernmental organization, or
11 a private person is a permit holder, and notifies the
12 appropriate Secretary that the permit holder intends
13 to withdraw from livestock grazing some or all of the
14 forage available for livestock grazing under the graz-
15 ing permit or lease of the permit holder for the pur-
16 pose of conservation, wildlife enhancement, or recre-
17 ation, the appropriate Secretary shall place the for-
18 age in nongrazing status for the interval specified by
19 the permit holder at the time of notification.

20 “(2) STATUS OF WITHDRAWN FORAGE.—For-
21 age placed in nongrazing status under paragraph (1)
22 shall not be available for livestock grazing under any
23 grazing permit or lease. In preparing and revising
24 land use plans prepared pursuant to section 202, or
25 land and resource management plans prepared pur-

1 suant to section 6 of the Forest and Rangeland Re-
2 newable Resources Planning Act of 1974 (16 U.S.C.
3 1604), for the affected lands, the appropriate Sec-
4 retary shall take into account the unavailability of
5 the forage for livestock grazing.

6 “(3) SPECIAL PRIORITY FOR RENEWAL.—The
7 permit holder of an expiring grazing permit or lease
8 who has had some or all of the forage that is the
9 subject of the grazing permit or lease placed in
10 nongrazing status under this subsection shall be
11 given the first priority for receipt of a new grazing
12 permit or lease for the lands that are the subject of
13 the expiring grazing permit or lease.

14 “(4) ADJUSTMENT OF FEE.—Any livestock
15 grazing fee otherwise applicable to an allotment shall
16 be reduced to the extent that forage on the allot-
17 ment is in nongrazing status under this subsection.

18 “(f) RIPARIAN RESTORATION.—

19 “(1) GOALS.—All actions taken under this sec-
20 tion in the review and issuance or renewal of grazing
21 permits and leases shall be consistent with the goals
22 of—

23 “(A) restoring 75 percent of riparian areas
24 in the 48 contiguous States to proper function-
25 ing condition by 1997; and

1 “(B) restoring all riparian areas on public
2 lands and National Forest System lands in the
3 48 contiguous States to proper functioning con-
4 dition by 2005.

5 “(2) USE OF AVAILABLE INFORMATION.—The
6 appropriate Secretary shall determine consistency
7 with the goals described in paragraph (1) on the
8 basis of information available to the appropriate
9 Secretary.

10 “(g) PROHIBITION OF TRANSFERS OF PERMIT
11 RIGHTS AND PRIVATELY OWNED LANDS.—

12 “(1) ANNUAL STATEMENT OF OWNERSHIP AND
13 CONTROL.—The appropriate Secretary shall require
14 each permit holder to annually file an affidavit stat-
15 ing that the permit holder owns and controls all live-
16 stock that the permit holder is knowingly allowing to
17 graze on lands that are the subject of the grazing
18 permit or lease of the permit holder.

19 “(2) VOLUNTARY TRANSFERS.—

20 “(A) SUBLEASES.—

21 “(i) IN GENERAL.—A person may not
22 knowingly sublease with respect to a right
23 granted by a grazing permit or lease.

24 “(ii) PENALTIES.—

1 “(I) PERMIT HOLDERS.—A per-
2 mit holder who knowingly subleases
3 on lands that are the subject of the
4 grazing permit or lease of the holder
5 shall—

6 “(aa) be disqualified from
7 the further exercise of any right
8 or privilege conferred by the per-
9 mit or lease or by any other per-
10 mit or lease;

11 “(bb) forfeit to the United
12 States any remaining value of the
13 livestock grazing fee paid or pay-
14 able to the United States with re-
15 spect to the permit or lease; and

16 “(cc) be subject to the pen-
17 alties described in section 303.

18 “(II) OTHER PERSONS.—Any
19 person other than the permit holder
20 who knowingly subleases shall be sub-
21 ject to the penalties described in sec-
22 tion 303.

23 “(iii) DEFINITION OF SUBLEASE.—As
24 used in this subparagraph, the term ‘sub-
25 lease’ means to graze domestic livestock on

1 lands that are the subject of a grazing per-
2 mit or lease if the livestock are not both
3 owned and controlled by the permit holder.

4 “(B) VOLUNTARY TRANSFERS OF PRI-
5 VATELY OWNED LANDS.—

6 “(i) IN GENERAL.—A grazing permit
7 or lease shall terminate 30 days after the
8 effective date of any lease, conveyance,
9 transfer, or other voluntary action on the
10 part of a permit holder that has the effect
11 of removing from the control of the permit
12 holder the privately owned lands, or any
13 part of the lands, with respect to which
14 preference was granted in the issuance of
15 the grazing permit or lease.

16 “(ii) PROHIBITION OF FUTURE GRAZ-
17 ING.—

18 “(I) IN GENERAL.—Except as
19 provided in subclause (II), no live-
20 stock grazing pursuant to a permit or
21 lease transferred under clause (i) shall
22 be permitted after a termination de-
23 scribed in clause (i).

24 “(II) EXCEPTION.—If, prior to a
25 termination described in clause (i),

1 the person who has obtained or will
2 obtain the control of the privately
3 owned lands or part of the lands sub-
4 mits an application for a grazing per-
5 mit or lease with respect to the lands,
6 and if the appropriate Secretary be-
7 lieves that the application will be ap-
8 proved, the appropriate Secretary may
9 allow livestock grazing to continue for
10 not longer than the remainder of the
11 grazing year during which the applica-
12 tion was submitted.

13 “(3) INVOLUNTARY TRANSFERS.—

14 “(A) DEATH OF THE PERMIT HOLDER.—

15 “(i) TERMINATION.—Except as pro-
16 vided in clause (ii), a grazing permit or
17 lease shall terminate upon the death of the
18 permit holder.

19 “(ii) TEMPORARY CONTINUED GRAZ-
20 ING.—If necessary or appropriate in order
21 to facilitate the orderly management of the
22 estate of the deceased permit holder, the
23 appropriate Secretary may permit livestock
24 grazing to continue on lands that are the
25 subject of a grazing permit or lease that

1 terminates under clause (i) for a period
2 not to exceed 2 years after the date of
3 death of the permit holder.

4 “(B) INVOLUNTARY TRANSFERS OF PRI-
5 VATELY OWNED LANDS.—

6 “(i) TERMINATION.—Except as pro-
7 vided in clause (ii), a grazing permit or
8 lease shall terminate upon an involuntary
9 transfer from the control of the permit
10 holder (including a transfer by operation of
11 law) of the privately owned lands, or any
12 part of the lands, with respect to which
13 preference was granted in the issuance of
14 the grazing permit or lease.

15 “(ii) TEMPORARY CONTINUED GRAZ-
16 ING.—If necessary in order to facilitate the
17 redemption, sale, or other disposition of
18 the privately owned lands or part of the
19 lands, the appropriate Secretary may per-
20 mit livestock grazing to continue on lands
21 that are the subject of a grazing permit or
22 lease that terminates under clause (i) for a
23 period not to exceed 1 year after the date
24 of the involuntary transfer.

1 “(C) LATER GRAZING.—After a continu-
2 ation of livestock grazing pursuant to subpara-
3 graph (A)(ii) or (B)(ii), any livestock grazing
4 on lands affected by the continuation shall not
5 be permitted without a new grazing permit or
6 lease.

7 “(4) SECRETARIAL DISCRETION.—A decision to
8 permit a continuation of livestock grazing pursuant
9 to this subsection shall be at the option of the ap-
10 propriate Secretary. This subsection is not intended
11 to vest in any person any right to graze livestock on
12 lands owned by the United States or any right to
13 any grazing permit or lease.

14 **“SEC. 403. SUITABILITY REVIEW.**

15 “(a) IDENTIFICATION AND DESIGNATION OF AREAS
16 UNSUITABLE FOR LIVESTOCK GRAZING.—

17 “(1) REVIEW BY THE SECRETARIES.—

18 “(A) IN GENERAL.—Not later than 5 years
19 after the date of enactment of this subpara-
20 graph, the appropriate Secretary shall conduct
21 a review of all Federal lands available for the
22 grazing of domestic livestock within the 16 con-
23 tiguous Western States under the jurisdiction of
24 the appropriate Secretary to determine which

1 areas are suitable and which areas are unsuit-
2 able for livestock grazing.

3 “(B) UNSUITABILITY.—An area, allot-
4 ment, or portion of an allotment shall be des-
5 ignated as unsuitable for livestock grazing if
6 the appropriate Secretary determines that—

7 “(i) the best available information in-
8 dicates that the existing natural vegetation
9 on the allotment is not sustainable, or the
10 potential natural vegetation on the allot-
11 ment is not attainable, if livestock grazing
12 is permitted on the allotment;

13 “(ii) livestock grazing on the allot-
14 ment is causing an adverse impact on or
15 significant damage to riparian areas, Na-
16 tive American cultural artifacts, natural
17 systems, or biological resources on Federal
18 lands; or

19 “(iii) the management objectives de-
20 scribed in section 402(b)(5) cannot be met
21 if livestock grazing is permitted on the al-
22 lotment.

23 “(2) USE OF INFORMATION.—In conducting the
24 review and making the designations, the Secretaries
25 shall—

1 “(A) rely on available information; and

2 “(B) integrate the new data on allotments
3 that becomes available during each allotment
4 review and evaluation under section
5 402(b)(1)(A).

6 “(3) NECESSARY IMPROVEMENTS OR GRAZING
7 SYSTEM.—If the appropriate Secretary determines
8 that the construction of range improvements or the
9 implementation of a livestock grazing system is nec-
10 essary to render an area, allotment, or portion of an
11 allotment suitable for livestock grazing, the area, al-
12 lotment or portion of an allotment shall be deemed
13 unsuitable for livestock grazing until the improve-
14 ment or system is in place and operative.

15 “(b) CITIZEN PETITION PROCESS.—

16 “(1) IN GENERAL.—Any person affected by
17 livestock grazing on an area, allotment, or portion of
18 an allotment may petition the appropriate Secretary
19 to designate the area, allotment, or portion of an al-
20 lotment unsuitable for livestock grazing, or to revoke
21 an unsuitability designation for an area, allotment,
22 or portion of an allotment.

23 “(2) PETITION.—

1 “(A) CONTENTS.—The petition shall con-
2 tain allegations of facts with supporting evi-
3 dence that substantiates the allegations.

4 “(B) PUBLIC HEARING.—Not later than
5 180 days after receipt of the petition, the ap-
6 propriate Secretary shall—

7 “(i) provide public notice and publica-
8 tion of the date, time, and location of the
9 hearing in a newspaper of local circulation
10 for at least 14 days; and

11 “(ii) hold a public hearing in the lo-
12 cality of the area of public lands or Na-
13 tional Forest System lands affected by the
14 designation.

15 “(C) ACCEPTANCE OF COMMENTS.—The
16 appropriate Secretary shall accept written com-
17 ments for inclusion in the final record on the
18 proposal until the date that is 14 days after a
19 hearing held under subparagraph (B).

20 “(D) ISSUANCE OF DECISION.—Not later
21 than 60 days after a hearing held under sub-
22 paragraph (B), the appropriate Secretary shall
23 issue a written finding and provide, to the peti-
24 tioner and any other party to the hearing, a

1 written decision regarding the petition and the
2 reasons for the decision.

3 “(E) INSUFFICIENT EVIDENCE.—If the ap-
4 propriate Secretary finds that insufficient evi-
5 dence is presented to grant the petition—

6 “(i) the petitioners shall be given 60
7 days to supplement the petition with addi-
8 tional evidence;

9 “(ii) no additional public hearings
10 shall be necessary; and

11 “(iii) the appropriate Secretary shall
12 have 60 days, beginning with the receipt of
13 the supplemental information, to issue a
14 written decision and notify the interested
15 parties of the decision.

16 “(c) GRAZING IN AREAS DESIGNATED UNSUIT-
17 ABLE.—

18 “(1) CANCELLATION OF PERMITS.—A grazing
19 permit or lease for an area designated as unsuitable
20 for livestock grazing under subsection (a) that is in
21 effect on the date of the designation shall be can-
22 celed 2 years after the designation, unless the appro-
23 priate Secretary finds pursuant to section 402(c)
24 that conditions warrant earlier cancellation.

1 “(2) COMPENSATION TO THE PERMIT
2 HOLDER.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (B), upon cancellation of a grazing per-
5 mit or lease under paragraph (1), the permit
6 holder shall receive from the United States rea-
7 sonable compensation for the adjusted value (to
8 be determined by the appropriate Secretary) of
9 the interest of the permit holder in authorized
10 permanent improvements placed or constructed
11 by the permit holder on the lands designated as
12 unsuitable for livestock grazing.

13 “(B) MAXIMUM AMOUNT.—Compensation
14 under subparagraph (A) shall not exceed the
15 initial capital expenditure for the permanent
16 improvement.

17 **“SEC. 404. GRAZING LAW ENFORCEMENT BY THE SEC-**
18 **RETARY.**

19 “(a) NOTICE OF VIOLATION.—

20 “(1) IN GENERAL.—The appropriate Secretary
21 shall issue a notice of violation to a permit holder
22 for each violation by the permit holder of—

23 “(A) this title;

24 “(B) a regulation issued under this title; or

25 “(C) a term or condition of—

1 “(i) the grazing permit or lease; or

2 “(ii) if an allotment management plan
3 is required to receive a stewardship incen-
4 tive credit under section 401(b), the allot-
5 ment management plan for the allotment.

6 “(2) RECORDING OF VIOLATION.—The appro-
7 priate Secretary shall record each violation in a
8 central data base system.

9 “(3) CONTINUING VIOLATIONS.—

10 “(A) IN GENERAL.—If a violation contin-
11 ues for more than 30 days, the appropriate Sec-
12 retary shall—

13 “(i) suspend livestock activities on the
14 allotment where the violation is occurring;
15 and

16 “(ii) assess a penalty of \$100 per day
17 per violation, but not to exceed \$20,000
18 for each continuing violation.

19 “(B) EFFECT ON OTHER GRAZING.—A
20 person who is penalized under clause (i) or (ii)
21 of subparagraph (A) shall not be eligible to use
22 any Federal lands for livestock grazing until all
23 violations have been corrected and any amounts
24 assessed under this section have been paid to
25 the Federal Government.

1 “(b) ALTERNATIVE ENFORCEMENT ACTIONS.—The
2 appropriate Secretary may take alternative enforcement
3 action to compel compliance with this title, including—

4 “(1) requests for injunctive relief brought in an
5 appropriate district court of the United States; and

6 “(2) assessment of individual civil penalties
7 against corporate officers of a corporation, or indi-
8 vidual association members of an association, in vio-
9 lation of this title.

10 “(c) CANCELLATION OF GRAZING PERMIT OR
11 LEASE.—A permit holder who engages in a willful or
12 knowing violation of this title, or a permit holder who re-
13 ceives 3 or more notices of violations for the same or simi-
14 lar violations of this title within 1 livestock grazing year,
15 shall forfeit all grazing permits and leases held by the
16 holder.

17 “(d) FINALITY OF DECISIONS.—A notice of a viola-
18 tion issued under this section shall—

19 “(1) be considered a final decision of the appro-
20 priate Secretary; and

21 “(2) be subject to the appeal provisions applica-
22 ble to grazing actions and decisions.

23 **“SEC. 405. PUBLIC PARTICIPATION.**

24 “(a) IN GENERAL.—A citizen of the United States
25 may participate in a public hearing conducted, or provide

1 public comment, with respect to grazing actions and deci-
2 sions.

3 “(b) NOTICE REQUIREMENT.—Prior to modifying
4 the terms and conditions of a grazing permit or lease, ap-
5 proving the issuance or renewal of a grazing permit or
6 lease, or approving a stewardship incentive credit under
7 section 401(b), the appropriate Secretary shall provide no-
8 tice of the action and provide opportunity for public com-
9 ment, if requested by any interested person.

10 “(c) PROPOSED DECISIONS.—

11 “(1) NOTIFICATION OF INTERESTED PER-
12 SONS.—If the appropriate Secretary issues a pro-
13 posed decision under this title to any applicant, per-
14 mit holder, or agent of record who is affected by the
15 proposed decision, the appropriate Secretary shall
16 also send a copy of the decision to each interested
17 person.

18 “(2) CONTENTS OF PROPOSED DECISIONS.—
19 Each proposed decision shall—

20 “(A) state the reasons for the action that
21 is the subject of the decision, including ref-
22 erence to pertinent terms, conditions, and provi-
23 sions of Federal law; and

24 “(B) provide for a period of 30 days after
25 the date of issuance of the decision for the fil-

1 ing of a protest by the applicant, permit holder,
2 agent of record, or other interested person.

3 “(d) IMPLEMENTATION OF CHANGES IN GRAZING
4 USE.—

5 “(1) PRIOR CONSULTATION.—If the appropriate
6 Secretary is considering a change in the permitted
7 active use of certain lands on which livestock grazing
8 occurs, the appropriate Secretary shall consult with
9 affected permit holders and other interested persons.

10 “(2) PROTECTION OF NATURAL RESOURCES.—
11 If the appropriate Secretary determines, after con-
12 sultation with affected permit holders and other in-
13 terested persons, that the soil, vegetation, or other
14 resources on public lands or National Forest System
15 lands require temporary or permanent protection,
16 the Secretary shall close an appropriate allotment or
17 portion of an allotment to livestock grazing or mod-
18 ify the authorized livestock grazing use of the allot-
19 ment or portion of the allotment.

20 **“SEC. 406. CITIZEN SUITS.**

21 “(a) CIVIL ACTION TO COMPEL COMPLIANCE.—

22 “(1) IN GENERAL.—Except as provided in sub-
23 section (b), any person having an interest that is or
24 may be adversely affected by a violation of this title

1 may bring a civil action to compel compliance with
2 this title against—

3 “(A) the appropriate Secretary, alleging
4 that the appropriate Secretary has failed to per-
5 form a duty required by this title; or

6 “(B) any other person, alleging that the
7 person is in violation of a rule, regulation,
8 order, permit, or allotment plan required under
9 section 402(b)(3)(B)(ii).

10 “(2) JURISDICTION.—An appropriate district
11 court of the United States shall have jurisdiction
12 over an action brought pursuant to paragraph (1)
13 without regard to the amount in controversy or the
14 citizenship of the parties.

15 “(b) LIMITATIONS ON BRINGING OF ACTION.—An
16 action may not be brought under subsection (a)—

17 “(1) prior to 60 days after the plaintiff has
18 given written notice of the alleged violation to the
19 appropriate Secretary and to any alleged violator; or

20 “(2) if the appropriate Secretary has brought
21 and is diligently prosecuting a civil action in a court
22 of the United States or a State to require compli-
23 ance with this title, except that in any such action
24 in a court of the United States any person may in-
25 tervene as a matter of right.

1 “(c) VENUE.—An action alleging a violation of this
2 title or a regulation issued under this title may be brought
3 only in the judicial district in which the allotment is lo-
4 cated, or, if the action challenges a Federal regulation,
5 policy, or program, in the United States Court of Appeals
6 for the District of Columbia Circuit.

7 “(d) INTERVENTION BY THE SECRETARY.—In an ac-
8 tion brought under this section, the appropriate Secretary,
9 if not a party, may intervene as a matter of right.

10 “(e) COSTS.—In issuing a final order in an action
11 brought against the appropriate Secretary pursuant to
12 subsection (a), a court may award costs of litigation (in-
13 cluding attorney and expert witness fees) to any party,
14 if the court determines that the award is appropriate.

15 “(f) EFFECT ON OTHER ENFORCEMENT METH-
16 ODS.—Nothing in this section shall restrict any right that
17 any person (or class of persons) may have under any law
18 to seek enforcement of any provision of this title or a regu-
19 lation issued under this title, or to seek any other relief
20 (including relief against the appropriate Secretary).

21 **“SEC. 407. RIGHTS TO WATER RESOURCES.**

22 “Nothing in this title is intended to affect the right
23 of any person to enforce or protect, under applicable law,
24 the interest of the person in water resources affected by
25 mineral activities on lands that are subject to this Act,

1 except that no sole private water right may be established
 2 by a permit holder for the development of a water resource
 3 on public lands or National Forest System lands.”.

4 **SEC. 5. GRAZING ADVISORY BOARDS.**

5 The Secretary of the Interior shall abolish the graz-
 6 ing advisory boards described in the notice published in
 7 the Federal Register on May 14, 1986 (51 Fed. Reg.
 8 17674). The advisory functions exercised by the boards
 9 shall be exercised by the appropriate advisory councils es-
 10 tablished pursuant to section 309 of the Federal Land
 11 Policy and Management Act of 1976 (43 U.S.C. 1739).

12 **SEC. 6. CONFORMING AMENDMENTS.**

13 (a) TABLE OF CONTENTS.—The table of contents of
 14 the Federal Land Policy and Management Act of 1976
 15 (43 U.S.C. prec. 1701) is amended by striking the items
 16 relating to title IV and inserting the following new items:

“TITLE IV—RANGE MANAGEMENT

“Sec. 401. Grazing fees and stewardship incentive program.

“Sec. 402. Grazing permits and leases.

“Sec. 403. Suitability review.

“Sec. 404. Grazing law enforcement by the Secretary.

“Sec. 405. Public participation.

“Sec. 406. Citizen suits.

“Sec. 407. Rights to water resources.”.

17 (b) TAYLOR GRAZING ACT.—Section 18 of the Act
 18 entitled “An Act to stop injury to the public grazing lands
 19 by preventing overgrazing and soil deterioration, to pro-
 20 vide for their orderly use, improvement, and development,
 21 to stabilize the livestock industry dependent upon the pub-

1 lic range, and for other purposes”, approved June 28,
2 1934 (43 U.S.C. 315b) (commonly known as the “Taylor
3 Grazing Act”), is amended—

4 (1) by striking the third sentence;

5 (2) in the fourth sentence, by striking “, who
6 shall” and all that follows through the period at the
7 end and inserting “and in accordance with section
8 402(b)(6) of the Federal Land Policy and Manage-
9 ment Act of 1976.”; and

10 (3) in the fifth sentence, by striking “During”
11 and all that follows through “That nothing” and in-
12 sserting “Nothing”.

13 (c) GRANGER-THYE ACT.—

14 (1) FEE RECEIPT EXPENDITURES.—Section 12
15 of the Act entitled “An Act to facilitate and simplify
16 the work of the Forest Service, and for other pur-
17 poses”, approved April 24, 1950 (16 U.S.C. 580h)
18 (commonly known as the “Granger-Thye Act”), is
19 amended by inserting “(except for a national forest
20 located within the State of Arizona, California, Colo-
21 rado, Idaho, Kansas, Montana, Nebraska, Nevada,
22 New Mexico, North Dakota, Oklahoma, Oregon,
23 South Dakota, Utah, Washington, or Wyoming)”
24 after “each national forest”.

1 (2) GRAZING PERMITS.—Section 19 of such Act
2 (16 U.S.C. 580) is amended by inserting “and in
3 accordance with section 402 of the Federal Land
4 Policy and Management Act of 1976” after “prop-
5 er”.

6 (d) PUBLIC RANGELANDS IMPROVEMENT ACT OF
7 1978.—Section 5 of the Public Rangelands Improvement
8 Act of 1978 (43 U.S.C. 1904) is amended—

9 (1) in subsection (a), by striking “, and in addi-
10 tion to the moneys which are available for range im-
11 provements under section 401 of the Federal Land
12 Policy and Management Act (43 U.S.C. 1751)”;

13 (2) by striking subsections (c) and (d).

14 (e) PUBLIC LAW 93–531.—Section 28(b) of Public
15 Law 93–531 (25 U.S.C. 640d–26(b)) is amended by strik-
16 ing “402(g) of the Federal Land Policy and Management
17 Act” and inserting “402(c)(2) of the Federal Land Policy
18 and Management Act of 1976”.

19 **SEC. 7. EFFECT ON PRIOR AMENDMENTS.**

20 Nothing in this Act or the amendments made by this
21 Act is intended to affect the amendment made by section
22 404 of the Federal Land Policy and Management Act of
23 1976 (16 U.S.C. 1338a), as in effect on the day before
24 the date of enactment of this Act.



S 896 IS—2

S 896 IS—3

S 896 IS—4