

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1375

To provide for the extension of expiring term grazing permits for lands within the National Forest System pending the completion by the Forest Service of final agency action in connection with the renewal of such permits.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 1995

Mr. COOLEY introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for the extension of expiring term grazing permits for lands within the National Forest System pending the completion by the Forest Service of final agency action in connection with the renewal of such permits.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AUTOMATIC EXTENSION OF NATIONAL FOREST**  
2 **SYSTEM GRAZING PERMITS PENDING COM-**  
3 **PLETION OF FINAL AGENCY ACTION.**

4 (a) EXTENSION.—The term of each expiring term  
5 grazing permit issued for lands within the National Forest  
6 System is hereby extended to cover the period beginning  
7 on the expiration date of the permit and ending on the  
8 date on which the Secretary of Agriculture completes final  
9 agency action in connection with the renewal of the per-  
10 mit. The extension shall apply to the holder of the expiring  
11 term grazing permit, subject to the same terms and condi-  
12 tions as apply to the expiring term grazing permit.

13 (b) EXCEPTION.—Subsection (a) shall not apply if  
14 the holder of an expiring term grazing permit is not in  
15 compliance with the terms and conditions of the permit  
16 at the time the permit is originally due to expire.

17 (c) ADMINISTRATIVE APPEAL AND JUDICIAL RE-  
18 VIEW.—The extension of expiring term grazing permits  
19 under subsection (a) shall not be subject to administrative  
20 appeal or judicial review.

21 (d) DEFINITIONS.—For purposes of this section:

22 (1) EXPIRING TERM GRAZING PERMIT.—The  
23 term “expiring term grazing permit” means a term  
24 grazing permit—

25 (A) that expires in 1995 or 1996; or

1 (B) that expired in 1994 and has not been  
2 replaced with a new term grazing permit solely  
3 because the analysis required by the National  
4 Environmental Policy Act of 1969 (42 U.S.C.  
5 4321 et seq.) and other applicable laws has not  
6 been completed.

7 (2) FINAL AGENCY ACTION.—The term “final  
8 agency action” means agency action regarding an  
9 expiring term grazing permit in which—

10 (A) any analysis required by the National  
11 Environmental Policy Act of 1969 (42 U.S.C.  
12 4321 et seq.) and other applicable laws has  
13 been completed; and

14 (B) all available administrative remedies  
15 have been exhausted.

16 (3) HOLDER.—The term “holder” includes the  
17 purchaser of a term grazing permit holder’s per-  
18 mitted livestock or base property if—

19 (A) between January 1, 1995, and Decem-  
20 ber 1, 1996, the holder has waived the term  
21 grazing permit to the Secretary pursuant to  
22 section 222.3(c)(1)(iv) of title 36, Code of Fed-  
23 eral Regulations; and

24 (B) the purchaser of the term grazing per-  
25 mit holder’s permitted livestock or base prop-

1           erty is eligible and qualified to hold a term  
2           grazing permit.

3           (4) TERM GRAZING PERMIT.—The term “term  
4           grazing permit” means a grazing permit or grazing  
5           agreement issued by the Secretary of Agriculture for  
6           a specified term under section 402 of the Federal  
7           Land Policy and Management Act of 1976 (43  
8           U.S.C. 1752), section 19 of the Act of April 24,  
9           1950 (commonly known as the “Granger-Thye Act”)  
10          (16 U.S.C. 580l), or other law.

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