

# NATIONAL PUBLIC LANDS GRAZING CAMPAIGN

## The Limited Role of Federal Land Management Agencies in Voluntary Grazing Permit Buyout

The Voluntary Grazing Permit Buyout Act (H.R. 3324) would direct federal agencies to immediately retire grazing allotments from commercial livestock grazing whenever and wherever public lands grazing permittees and lessees relinquished their permits or leases for buyout. No agency decisionmaking or environmental review would be required; and the responsible agency would have no authority to deny any application for buyout. The sole exception would be if funding for permit/lease buyout was insufficient to meet demand, in which case agencies would prioritize which permits/leases were retired first. By avoiding agency decisionmaking and environmental review, the best interests of taxpayers, the environment, federal grazing permittees/lessees, and the agencies themselves would be served.

- 1. The Constitution granted Congress primary authority over federal public lands; Congress should use it to create a voluntary federal grazing permit buyout program.** The Property Clause in the Constitution (Article 1, Section 19) gives Congress authority to manage federal public lands. Thus, any authority the executive branch has to manage public lands arises from expressed Congressional delegations of power to do so. Congressional actions are not subject to environmental review under the National Environmental Policy Act (NEPA), and Congress routinely passes legislation that affects the environment without requiring (relevant) agency compliance with NEPA. Grazing permit buyout is a fiscally prudent, economically rational, administratively expedient, and environmentally beneficial program to reduce livestock grazing on public lands. For these reasons, Congress should not hesitate to limit agency decisionmaking when creating a permit/lease buyout program to retire federal grazing allotments.
- 2. Congress should avoid creating a voluntary permit buyout program that includes federal agency decisionmaking and review.** Agency review under NEPA can be expensive and time-consuming. Both the BLM and Forest Service are already backlogged on their environmental reviews of grazing permit renewals. Since 1995 both agencies have been forced to ask Congress for legislative riders to ease their burden by allowing for temporary grazing permit renewals without environmental review. Requiring agency review of permit/lease buyouts — *which benefit the environment* — would only exacerbate the current administrative overload and related political controversy, increase administrative costs, and delay payments to permittees and lessees.
- 3. Any agency decisionmaking or review of grazing permit buyouts would be subject to administrative appeals and/or litigation.** If federal land management agencies are given a role in deciding whether or not to accept grazing permits/leases for buyout, their decisions would be subject to numerous process requirements under NEPA, the Administrative Procedures Act, Federal Lands Policy and Management Act and/or the National Forest Management Act. These are elaborate processes that are best reserved for projects that could potentially *harm* the environment.

In conclusion, it would be Congress — not permittees or lessees — making the decision to end commercial livestock grazing on federal public lands. The fact that H.R. 3324 would give permittees/lessees the option to continue grazing livestock pursuant to current federal statutes, regulations, plans and policies (or those adopted in the future) does not change the fact that Congress is the first and last authority over federal public lands management.