

Proposed Revisions to Grazing Regulations for the Public Lands  
Bureau of Land Management - FES 04-39

## REVISIONS and ERRATA

June 17, 2005

NOTE: THIS REVISION AND ERRATA SHEET, DATED JUNE 17, 2005, SUPERSEDES ALL PREVIOUS ERRATA SHEETS.

### **Publication Month**

The date of printing for the EIS is "October, 2004." Add "released June, 2005," wherever the printing date appears in the document, including the cover, title page and on the "footer" of each page of the entire document.

Due to delay in final clearance, the EIS was not cleared for release until June, 2005.

### **Abstract**

Item 2, Second paragraph: The last sentence of this paragraph refers to a "modified" alternative (alternative 3). Change to "modified action" alternative (alternative 3).

### **Table of Contents**

Section 2.1, page v: The title of this section is listed as "Alternative One: No Change in Regulations (No Action)." While it is true that the No Action alternative does consist of the current regulations with no changes, the correct name of this alternative is "Alternative One: No Action."

Appendix A1 and A2, page vi: Insert "Proposed" before "Final."

### **Executive Summary**

Section entitled *Proposed Action and Alternatives*, page ES-2, first paragraph: Insert the following sentence at the end of this paragraph – "The BLM's preferred alternative is the Proposed Action Alternative, alternative 2."

Page ES-2, right column, fifth full bullet: Delete this bullet and in its place insert – "Provide that a standards assessment will be used by the authorized officer to assess whether rangeland is failing to achieve standards or that management practices do not conform to the guidelines and require standards assessment and monitoring of resource conditions to support BLM determinations of whether existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve standards or conform with guidelines."

Page ES-4 and Table ES-1, page ES-14: The description of "temporary changes within the terms and conditions of permits and leases" does not, but should, include that temporary changes within the terms and conditions of permits and leases also may mean temporary changes in livestock number, period-of-use, or both as specified in an allotment management plan under § 4120.2(a)(3).

Page ES-4, right column, paragraph describing the "Modified Action Alternative," first sentence: Add the word "Action" between the words "Modified" and "Alternative."

Section titled *Effects of the Proposed Alternative*, Page ES-5, left column: Change this section title to – "Effects of the Proposed Action Alternative."

#### **Table ES-1 and Table 2.5**

The column heading for the right hand column is labeled "Modified Alternative 3." Change this column label to "Modified Action Alternative 3."

The heading for the column located second from the left is "No Action/No Change Alternative 1." Delete the words "/No Change" from this heading.

Table ES-1, Page ES-9, "Proposed Action" Column, "Basis for Rangeland Health Determinations" Row: Insert the following sentence at the beginning of this paragraph – "A standards assessment will be used by the authorized officer to assess whether rangeland is failing to achieve standards or that management practices do not conform to the guidelines."

#### **Chapter 1**

Section 1.0, page 1-7, right column: Add the following bullet under "Other Changes" –

"

- o Section 1.2.2.7 – Add the following paragraphs to the end of this section:

\Language had been added to the preferred alternative to make this process a two-step process instead of a combined process of standards assessments and a determination of whether livestock grazing management practices or levels of grazing use are a significant factor in failing to achieve standards or that management practices do not conform to the guidelines. Instead, a standards assessment will be used by the authorized officer to assess whether rangeland is failing to achieve standards or that management practices do not conform to the guidelines. Determinations that existing grazing management practices or levels of grazing use are significant factors in failing to achieve standards and conform with guidelines would be based on standards assessment and monitoring.

This minor change is a procedural step made for administrative ease and will not affect the quality of the environment in a significant manner not already considered. As such, there is no need to supplement the existing analysis. This change merely provides that as a first step assessments will be used to assess whether rangeland is failing to achieve standards or that management practices do not conform to the guidelines. The next step, determination of whether existing grazing management practices or levels of grazing use are significant factors in failing to achieve standards and conform with guidelines, would be based on standards assessment and monitoring as described in the proposed action. As a result, any impacts of making this relatively minor change for administrative ease falls within the range of analysis presented in the draft and final EIS.'"

Section 1.4, page 1-26, right column, first full sentence: Replace the word "significant" with "major."

## **Chapter 2**

Section 2.0 - Description of the Proposed Action and Alternatives, page 2-5, left column, third paragraph: Add the following sentence to the end of this paragraph - "The Proposed Action, alternative two, is the BLM's preferred alternative."

Section 2.0, page 2-8, left column, first full paragraph: Add before the first sentence - "Added that a standards assessment will be used by the authorized officer to assess whether rangeland is failing to achieve standards or that management practices do not conform to the guidelines."

Section 2.2.7, page 2-21, right column, third sentence: Delete this sentence and in its place insert - "Under the proposed regulations in §4180.2, a two-step process would be used to ensure progress towards standards achievement and conformance with guidelines. First, a standards assessment will be used by the authorized officer to assess whether rangeland is failing to achieve standards or that management practices do not conform to the guidelines. If an assessment indicates a failure to achieve standards or that management practices do not conform to guidelines, then BLM will use existing or new monitoring data to determine whether existing grazing management practices or levels of grazing use are significant factors in failing to achieve standards and conform with guidelines."

Section 2.2.14, page 2-26, right column, first full paragraph, second sentence: Within this sentence, delete "...1. Result in temporary nonuse of all or part of the allotment; or ..." and in its place insert "...1. Result in temporary nonuse; or ...".

Section 2.2.14, page 2-26 and Table 2.5, page 2-45: The description of "temporary changes within the terms and conditions of permits and leases" does not, but should, include that temporary changes within the terms and conditions of permits and leases also may mean temporary changes in livestock number, period-of-use, or both as specified in an allotment management plan under § 4120.2(a)(3).

Section 2.1.17, page 2-30: This section duplicates Section 2.1.17 on page 2-18, rather than being an original Section 2.2.17, as was intended. Delete the duplicate Section 2.1.17 on page 2-30, including the 3 paragraphs that follow the section heading, and in its place insert –

“Section 2.2.17: As a result of concerns raised during the review of the draft EIS, we made changes in the proposed action related to grazing use when a stay has been granted.

**A. Effect on grazing use when a decision to authorize use on a temporary and nonrenewable basis or on ephemeral or annual rangeland has been stayed.**

The proposed action would be changed by amending section 4130.6-2 to allow the BLM to make a decision issuing a nonrenewable grazing permit or lease or a decision affecting an application for grazing use on annual or designated ephemeral rangelands effective immediately or on a date established in the decision. The proposed action would remove language from existing section 4160.3(d) on final decisions that described the effect of an administrative stay on decisions related to designated ephemeral or annual rangelands and temporary nonrenewable grazing. The ability to issue nonrenewable grazing permits and leases as full force and effect decisions under final rule section 4130.6-2(b) would largely eliminate the need for any special stay provisions for such decisions. The proposed action will allow time-sensitive decisions to authorize forage use to be immediately put into practice, without being delayed up to 75 days as could happen under current appeal and stay request time periods. If that decision is appealed and a stay is granted, the decision would be inoperative and, depending on the provisions of the stay order, the livestock may have to be removed from the allotment. These changes should improve administrative efficiency and effectiveness by allowing faster responses to time-sensitive requests and clarify compliance with legal requirements.

**B. Effect on grazing use when a decision affecting grazing permits or leases is stayed.**

Although the present regulations address what actions would be taken by BLM when a stay is granted on a BLM decision to modify or renew a permit or lease, they do not address actions that would be taken when a stay is granted on an appeal of a decision on a permit or lease application submitted in conjunction with a preference transfer.

The proposed action in §4160.4 provides that if OHA stays a BLM decision that changes the terms and conditions of a permit or lease during its current term, or offers a preference transferee a permit or lease with terms and conditions that are different from that of the previous permittee or lessee, or renews a permit or lease, then the immediately preceding authorization and any terms and conditions therein would not expire, and grazing would continue under the immediately preceding authorization, subject

to the provisions of the stay order and provisions of other applicable law, pending resolution of the appeal.

In addition, some procedural requirements from Subpart 4160 would be removed and replaced with a cross-reference to the regulations governing the Office of Hearings and Appeals in 43 CFR Part 4. Many of the procedural requirements set forth in existing §4160.4 are restatements of the requirements found in §4.470 *et seq.* for appealing a grazing decision, and it is not necessary to restate them in the grazing regulations in Subpart 4100."

Table 2-5, page 2-40, "Proposed Action" Column, "Basis for Rangeland Health Determinations" Row: Insert the following sentence at the beginning of this paragraph – "A standards assessment will be used by the authorized officer to assess whether rangeland is failing to achieve standards or that management practices do not conform to the guidelines."

## Chapter 5

Section 5.4.4, page 5-30, left column: Delete the first five full sentences in this column and in their place insert – "Such an alternative was considered in the EIS for Rangeland Reform '94 and the anticipated effects on many livestock operators who are dependent on public rangelands for their livelihood were displayed in that document. The changes to the regulations adopted here were never intended to be either a comprehensive restructuring of the grazing program or a replacement of the 1995 grazing regulations. We do not believe that a broad "conservation alternative" which makes major changes to the livestock grazing program falls within a reasonable range of alternatives that meet the purpose and need of the action under consideration in the current EIS. Measures to protect sage grouse and their habitat are appropriately considered in the Bureau's sage grouse conservation measures, and at the land use plan and/or permit issuance levels. We addressed the sage grouse conservation strategy generally in Chapter 1 and Chapter 4 of the EIS."

Section 5.4.4, page 5-30, right column: Delete the seventh full sentence in this column and in its place insert – "The changes are driven by specific issues and concerns that BLM has recognized, either based on our own experience or from input by stakeholders."

Section 5.4.5, page 5-34, left column: Insert the following sentence before the first full sentence on this page – "The use of monitoring information to support determinations is necessary only for those allotments where assessment indicates to BLM that the rangeland is failing to achieve standards or management practices do not conform with guidelines, and the extended phase-in period will be invoked only when conditions require changes of greater than 10 percent."

Section 5.4.5, page 5-34, left column, second full response: Delete this response and in its place insert – "As of the end of 2002, we had completed evaluations on 7,437 allotments. We determined approximately 16 percent of those allotments not to be meeting land health standards because of livestock grazing management. We conclude from this that generally most public rangelands are not in decline, or at least not to

levels that we deem to have failed to achieve the standards and conform with the guidelines. To the extent that more than 16 percent of allotments may have so failed, we have found that grazing is not a significant cause. We have begun actions to address the problems we identified. The changes made in this rule will improve our ability to implement effective corrective measures - requiring new or existing monitoring data to support determinations that grazing use is implicated in not meeting standards or conforming with guidelines and taking time to engage knowledgeable and affected parties will improve the likelihood of an effective solution, and participation by the affected operator in determining the solution will increase his likelihood of complying with the corrective measures. Furthermore, we believe the rule will result in more collaboration and cooperation with permittees and lessees in addressing problems. We believe that we have adequate measures in place in the grazing regulations to deal with emergency situations such as drought and fires, or where continued grazing use poses an imminent likelihood of significant resource damage (section 4110.3.3(b)). The long term goal of this final rule is to reverse declines in western rangeland health, in those areas where there are declines, through improved consultation and cooperation with ranchers, and interested state and local authorities, as well as the interested public, in devising means to restore degraded areas and maintain currently healthy areas."

Section 5.4.5, page 5-35, right column: Add the following paragraph to the end of the first response - "Finally, these changes are based on our experience implementing the regulations adopted in 1995. The changes here do not significantly alter those provisions adopted in 1995 that were examined in the accompanying EIS for that rule. As discussed in that EIS, the changes adopted at that time were expected to improve rangeland health, including habitat for sage grouse. The timing and phase-in provisions adopted here are not expected to have significant effects on the improvements in rangeland health derived from the 1995 regulatory changes."

Section 5.4.5, page 5-36, left column: Add the following sentences after the fourth full sentence in this column - "Finally, as stated above, these changes are based on our experience implementing the regulations adopted in 1995. The changes here do not significantly alter those provisions adopted in 1995 that were examined in the accompanying EIS for that rule. The provisions adopted here are not expected to have significant effects on the improvements in rangeland health derived from the 1995 regulatory changes."

Section 5.4.7, page 5-51, left column, first full response, second sentence: Replace "assure" with "ensure."

Section 5.4.8, page 5-55, right column, first full bullet, first sentence: Delete this sentence and in its place insert - "When BLM suspends preference, it must do so by decision or by agreement."

Section 5.4.8, page 5-58, left column, second full response, second sentence: Delete this sentence and in its place insert - "The regulations, at section 4110.3-3, already allow BLM to act more quickly to avoid significant resource damage by closing all or portions of an allotment in the circumstances described in the comment."

Section 5.4.8, page 5-58, right column, second response, second and third sentence: Delete these two sentences and in their place insert – “BLM implements changes in active use by agreement or grazing decision. In the case of agreement, the grazing operator is free to conduct whatever consultation they believe needed with their lien holder, in accordance with the requirements of their lien holder. In the case of a grazing decision, the grazing operator may conduct whatever consultation they need to with their lien holder, and our regulations provide for sending such decisions to any lien holder of record.”

Section 5.4.8, page 5-59, left column, second full paragraph, first sentence: Replace “Pargraphs” with “Paragraphs.”

Section 5.4.11, page 5-70, left column, first full sentence: Delete this sentence and in its place insert – “The boards will provide expertise in reviewing range improvements and allotment management plans on public lands, but BLM will retain its independent decisionmaking role.”

Section 5.4.12, page 5-74, left column, first full comment, second sentence: Replace “basis” with “business.”

Section 5.4.14, page 5-78, left column, first response, fourth and fifth sentences: Delete these sentences and in their place insert – “The final rule requires that monitoring data be used to identify significant contributing factors and support determinations regarding same only on those allotments that standards assessment indicates are failing to meet standards or conform to guidelines. This will ensure that subsequent corrective action is focused on remedying the factors that monitoring has verified are contributing to not achieving standards or not conforming with applicable guidelines.”

Section 5.4.14, page 5-78, right column, first full response, first sentence: Delete this sentence and in its place insert – “Once a standards assessment indicates that the rangeland is failing to achieve standards or that management practices do not conform to guidelines, the level of new monitoring, if any, needed to determine what are the significant contributing factors in failing to achieve standards or conform to guidelines will vary depending on such variables as how obvious the causes are for not meeting standards, the quantity and quality of existing relevant monitoring data, presence of threatened or endangered species, conflicts between uses, and other criteria.”

Section 5.4.14, page 5-79, right column, first response: Add the following sentences at the end of this response – “The final rule does add a provision to section 4180.2(c) that limits the monitoring requirement to those cases where a standards assessment indicates that the rangeland is failing to achieve standards or that management practices do not conform to guidelines. In such cases, we will use new or existing monitoring data to identify and support a determination regarding the significant factors that contribute to the failure to achieve standards.”

Section 5.4.14, page 5-79, right column, second response: Delete the first four sentences and in their place insert – “The final rule only requires monitoring to determine causation in cases where assessment

indicates that rangelands are failing to achieve the standards or conform to the guidelines. For the most part, BLM has been focusing its monitoring efforts on those allotments where there are concerns or problems. We believe that this requirement is reasonable and necessary to ensure that we have adequate data to formulate and analyze an appropriate action where we find that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines. Further, as we have stated, determinations that are supported by monitoring will make for better, more defensible decisions, especially when we need to change grazing practices on allotments."

Section 5.4.14, page 5-80, left column, first full paragraph: Delete the second sentence and in its place insert – "While this requirement may increase the on-going data collection workload in the grazing program, we expect to continue to monitor in those areas we believe to be at risk, in degraded condition, or in downward trend and in danger of losing capability, within our funding allocation without needing additional funding. Further, the change in the final rule limiting the monitoring requirement to cases where standards assessments indicate rangeland failure to achieve standards or management failure to conform with guidelines should reduce the workload and budgetary effects of the final rule."

Section 5.4.14, page 5-81, left column, first full response: Add the following sentence to the end of this response – "When revising policy, manuals, and other guidance, BLM reviews all available technical materials, and will review the Catlin and Stevens articles before the next revision."

Section 5.4.18, page 5-92, right column, first response: Delete the first paragraph of this response and in its place insert – "BLM has no authority to give priority to buffalo ranchers when issuing grazing permits or leases. The TGA requires that when issuing grazing permits, the Secretary must give preference to landowners engaged in the livestock business, bona fide occupants or settlers, or owners of water or water rights, as may be necessary to permit the proper use of lands, water, or water rights owned, occupied, or leased by them. (Grazing permits authorize grazing use on lands within grazing districts established under Section 1 of the Act.) The Act also requires that when issuing grazing leases, the Secretary must give preference to owners, homesteaders, lessees, or other lawful occupants of lands contiguous to the public lands available for lease, to the extent necessary to permit proper use of such contiguous lands, with certain exceptions. (Grazing leases authorize grazing on public lands outside grazing districts.) Therefore, under the TGA, the kind of animal an applicant for a permit or lease wishes to graze on public lands has no bearing on whether the applicant has or will be granted preference for a grazing permit or lease. BLM may issue permits to graze privately owned or controlled buffalo under the regulations that provide for "Special Grazing Permits or Leases" for indigenous animals (section 4130.6-4), so long as the use is consistent with multiple use objectives expressed in land use plans."

Section 5.4.18, page 5-94, left column, third sentence: Replace "FLMPA" with "FLPMA."

Section 5.4.20, page 5-100, left column, first response: Insert the following after the second sentence – “BLM believes we have sufficient guidance to consider the issue of so-called ‘grazing retirement,’ and so does not need a regulatory provision to address this topic.”

Section 5.4.20, page 5-100: In the left column, delete the last paragraph (which continues in the upper right column) and replace with the following – “While the later M-Opinion supersedes the 2001 Solicitor’s memorandum, it agrees that land use planning is an appropriate process for considering retirement of grazing, and that whenever the Secretary retires public lands from grazing, she must determine that such lands are no longer ‘chiefly valuable for grazing and raising forage crops,’ within the meaning of Section 1 of the TGA, 43 U.S.C. 315. In addition, the M-Opinion concludes that a decision to cease livestock grazing is not permanent. See Memorandum to the Secretary from the Solicitor, M-37008 (October 4, 2002). The M-Opinion was later clarified in a memorandum stating that whenever the Secretary considers retiring grazing permits in a grazing district she must determine whether such lands remain chiefly valuable for grazing if any such retirement may ultimately result in the modification of the district’s boundaries. See Memorandum to the Assistant Secretary for Policy, Management and Budget, Assistant Secretary for Land and Minerals Management, and the Director of BLM from the Solicitor (May 13, 2003).”

Section 5.4.20, page 5-100, right column, first full paragraph: Delete this paragraph.

Section 5.4.21, page 5-103, right column, last sentence beginning with “Ownership...” : Delete this sentence.

Section 5.4.22, page 5-108: The response in the right column states that the service charge for canceling and replacing, or supplementing a grazing fee billing is \$75. The charge for these services will be \$50. This response also implies that it is BLM standard practice to issue annual grazing fee billings in March. This is not the case in all areas. It is BLM typical practice to issue grazing fee billings 30 days before the first grazing begin date shown on the permit or lease. Also typically, to ensure accurate billing, each year BLM provides the grazing operator a “courtesy grazing application” approximately 60 days before the first begin date shown on their permit or lease. This application lists the grazing use that will be authorized (upon their timely payment of grazing fees) by the permit or lease that year and invites application for changes in this use as may be needed or desired by the operator. If the operator wishes to avoid the service charge, this application must be returned before BLM issues the corresponding grazing fee billing. Grazing begin dates can occur throughout the year.

Section 5.4.22, page 5-110, left column, first full response: Delete the first two sentences of this response and in their place insert – “The changes made provide consistent direction on what constitutes a satisfactory record of performance.”

Section 5.4.26, page 5-121, right column, first full sentence: Delete this sentence and in its place insert – “Terms and conditions of these

permits and leases must ensure conformance with subpart 4180 of the grazing regulations."

Section 5.4.28, page 5-127: There are two references to the "Bald Eagle Protection Act." Change these to read "Bald and Golden Eagle Protection Act."

Section 5.4.29, page 5-129, right column, second full paragraph: Delete this paragraph and in its place insert – "These regulations at 50 CFR make clear that a BA or BE is an intermediate step that BLM will take in assessing its obligations under the ESA, and thus is not subject to appeal. A BA or BE does not grant or deny a permit application, modify a permit or lease, or assess trespass damages, which are examples of BLM decisions that are subject to appeal."

Section 5.4.29, page 5-129, right column, last paragraph, sentence that begins on page 5-129 and ends on page 5-130: Delete this sentence and in its place insert – "The rule at section 4160.1(d) prospectively supersedes the decision of IBLA in *Blake v. BLM*, 145 IBLA 154 (1998), *aff'd*, 156 IBLA 280 (2002), which held that the protest and appeal provisions of 43 CFR subpart 4160 apply to a proposed change in a permit or lease evaluated in a BA or BE."

Section 5.4.29, page 5-130, left column, first full paragraph: Delete this paragraph and in its place insert – "As explained in the preamble to the proposed rule at 68 FR 68464, a BA or BE is a tool that FWS and NOAA Fisheries use to decide whether to initiate formal consultation under Section 7 of the ESA. Formal consultation results in a BO prepared by FWS. TGA Section 9 hearings are administered through OHA, a body that has been delegated authority regarding public land use decisions, but has not been delegated authority over FWS actions. See Secretarial Memorandum of January 8, 1993 (Secretary Lujan); Secretarial Memorandum of April 20, 1993 (Secretary Babbitt). The ESA does not require or authorize the creation of an administrative appeal procedure for biological opinions, and instead authorizes direct suit in a Federal court. 16 U.S.C. 1540(g). Issuance of a BO is also a final agency action that can be challenged in Federal court under the APA. Bennett v. Spear, 520 U.S. 154, 178 (1997). Thus, direct legal remedies are already in place and OHA has not been delegated administrative review authority over FWS BOs."

Section 5.4.29, page 5-130, left column, second full paragraph, first sentence: Delete this sentence and in its place insert – "OHA can review BLM grazing decisions that implement alternatives and conditions described in a FWS BO, but that review is limited to the merits of the BLM decision and can not extend to the validity of the BO findings or the FWS procedures used to produce the opinion. This final rule does nothing to change this longstanding policy, which is summarized in Secretary Lujan's memorandum as follows:"

Section 5.4.29, page 5-131, right column, first paragraph, last sentence: Delete this sentence.

Section 5.4.30, page 5-131, right column, third paragraph: Add the following sentences to the end of this paragraph – "BLM believes it is important to actively manage the use of the rangelands and not automatically halt grazing when a stay of a decision is issued. This

approach recognizes the continuing nature of grazing operations that are authorized through permits and leases as contemplated in Section 558(c) of the APA."

Section 5.4.30, page 5-132, right column, first paragraph, second sentence: Delete this sentence and in its place insert – "With the intention of simplifying these provisions, and improving administrative efficiency, we are revising the regulations proposed at section 4160.4(b) to address the following kinds of BLM grazing decisions:

- Those that cancel or suspend a permit or lease, those that renew a permit or lease, and those that modify terms and conditions of a permit or lease during its current term; and
- Those that deny a permit or lease to a preference transferee, or offer a preference transferee a permit or lease with terms and conditions that differ from those in the previous permit or lease."

Section 5.4.30, page 5-132, right column, second paragraph: After this paragraph, insert the following paragraph – "So, although the grazing decision appealed is stayed, grazing can continue at the previous levels of use. This ensures that the decision appealed is rendered inoperative for exhaustion purposes under 5 U.S.C. 704 and the status quo prior to issuance of the decision appealed remains in effect. In the instance of an appeal and stay preventing implementation of a new grazing authorization, the fact that a permittee may still be authorized to graze at some level is not a function of the stayed decision being implemented. It is worth noting that the APA provides at 5 U.S.C. 558(c) that existing authorizations remain in effect until an agency makes a final decision on a new authorization. It is worth noting that the APA provides at 5 U.S.C. 558(c) that existing authorizations remain in effect until an agency makes a final decision on a new authorization. BLM is making these changes to balance the exhaustion of administrative remedies under the APA and our responsibilities under FLPMA and TGA to

- manage lands for multiple use and sustained yield
- regulate the occupancy and use of the rangelands,
- safeguard grazing privileges,
- preserve the public rangelands from destruction or unnecessary injury and provide for the orderly use, improvement, and development of the range.

Section 5.4.30, page 5-132, right column, last paragraph, first sentence: Replace the word "proposed" with "final."

Section 5.4.30, page 5-134, right column, first response: Add the following sentence at the end of this response – "For further discussion of administrative exhaustion and judicial review, see the proposed rule at 68 FR 68465."

## **Appendix A**

Paragraph 4120.3-2(b), pages A-20 and A-68 indicates that a date should be inserted in this paragraph that is "60 days" after the final rule is published in the Federal Register. Change this to read "30 days" after the final rule is published in the Federal Register.

Paragraph 4130.1-2(d), pages A-25 and A-73: This paragraph was not changed as shown on these pages. This paragraph continues to read – "(d) Public ingress or egress across privately owned or controlled land to public land."

Paragraph 4130.2(f), pages A-26 and A-74: Delete the word "the" before "BLM."

Paragraph 4130.8-3 (a), pages A-35 and A-83: Capitalize the word "section" to be "Section."

Paragraph 4140.1(c)(3)(ii), pages A-38 and A-85: Change the word "stray" to "straying."

Paragraph 4140.1(c)(2)(v), pages A-38 and A-85: Add a comma after both instances of the word "destruction."

Paragraph 4180.2(c)(1), pages A-46 and A-93: Add the following sentence at the beginning of this paragraph: "If a standards assessment indicates to the authorized officer that the rangeland is failing to achieve standards or that management practices do not conform to the guidelines, then monitoring will be used by the authorized officer to identify the significant factors that contribute to failing to achieve the standards or to conform with the guidelines."

## **References**

Page R-15: The title to BLM Technical Note 417 is not correct. The actual title for Technical Note 417 is "Assessing Big Sagebrush at Multiple Spatial Scales: An Example in Southeast Oregon."