

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**43 CFR Part 4100**

**[WO-220-1020-24 1A]**

**RIN: 1004-AD42**

**Grazing Administration – Exclusive of Alaska**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Land Management (BLM) amends its regulations concerning how BLM administers livestock grazing on public lands. The changes ensure that BLM documents its consideration of the social, cultural, environmental, and economic consequences of grazing changes; provide that changes in grazing use will be phased in under certain circumstances; allow permittees, lessees, and others to share title to range improvements with BLM in certain circumstances; make clear how BLM will authorize grazing if a BLM decision affecting a grazing permit is stayed pending administrative appeal; remove provisions in the present regulations concerning conservation use grazing permits; ensure adequate time for developing and successfully implementing an appropriate management action when BLM finds that rangelands do not meet standards and guidelines for rangeland health and that authorized grazing is a significant factor in not achieving one or more land health standards or not conforming with guidelines for grazing administration; and revise some administrative service charges. We intend these changes to contribute to improving working relationships with

permittees and lessees, protecting the health of the rangelands and increasing administrative efficiency and effectiveness.

**EFFECTIVE DATE:** [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]

ADDRESSES: You may send inquiries or suggestions to Director (220), Bureau of Land Management, Room 204 LS, Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153.

**FOR FURTHER INFORMATION CONTACT:** Ken Visser, Rangeland Management Specialist, Rangeland, Soils, Water and Air Group, (775) 861-6492, or Ted Hudson (202) 452-5042 of the Regulatory Affairs Group. Individuals who use a telecommunications device for the deaf (TDD) may contact them individually through the Federal Information Relay Service at 1-800/877-8339, 24 hours a day, seven days a week.

**SUPPLEMENTARY INFORMATION:**

I. Background

A. History

B. Why we are amending the regulations

C. Rules of construction: words and phrases

II. Changes Made Since the Proposed Rule

III. Record of Decision under the National Environmental Policy Act

- A. Decisions
- B. Alternatives Considered
- C. Environmentally Preferred Alternative
- D. Decision Rationale
  - 1. Analysis and documentation of social, economic, and cultural effects
  - 2. Phase-in of changes in active use of more than 10 percent
  - 3. Sharing title to permanent range improvements
  - 4. Cooperation with Tribal, state, county, and local government-established grazing boards
  - 5. Removal of temporary nonuse limit
  - 6. Requiring assessments and monitoring for determinations on standards and guidelines
  - 7. Time frame for taking action in case of failure to achieve standards and guidelines
  - 8. Conservation use
  - 9. Definitions of preference, active use, and permitted use
  - 10. Interested public
  - 11. Water rights
  - 12. Satisfactory performance of applicants
  - 13. Temporary changes in grazing use within the terms and conditions of a permit or lease
  - 14. Service charges
  - 15. Prohibited acts

16. Decisions on ephemeral or annual rangeland grazing use and nonrenewable
17. Effect on grazing use when an administrative stay has been granted on an appeal of a decision associated with changes to a term permit or lease or grazing preference transfers
18. Biological assessments and evaluations are not decisions and therefore not subject to protest or appeal

#### IV. Response to General Comments

- A. The Regulatory Process
- B. General Support
- C. General Opposition
- D. Purpose and Need for Rulemaking
- E. Environmental Effects of the Rule
- F. Alternatives Considered
- G. Cross-cutting Issue-related Comments
  1. Role of the Interested Public
  2. Land Use and Allotment Management Planning
  3. Monitoring
  4. Enforcement
- H. Other Recommendations
  1. Advisory Councils and Grazing Advisory Boards
  2. Wild Horses and Burros
  3. Reserve Common Allotments

4. Incentives for Good Stewardship
5. Encouraging Flexible Management
6. Determining Appropriate Technical Procedures
7. Access to Public Lands
8. Judicial Matters
9. Interagency Cooperation

V. Section-by-Section Analysis and Response to Comments

VI. Procedural Matters