

## DEPARTMENT OF THE INTERIOR

## Office of the Secretary

## 43 CFR Part 4

## Bureau of Land Management

## 43 CFR Parts 1780 and 4100

[WO-400-1110-00 24 1A]

RIN 1004-AB89

**Department Hearings and Appeals Procedures; Cooperative Relations; Grazing Administration—Exclusive of Alaska****AGENCY:** Office of the Secretary and the Bureau of Land Management, Interior.**ACTION:** Final rule.

**SUMMARY:** This final rule amends the regulations that govern how the Secretary of the Interior, through the Bureau of Land Management (BLM), administers livestock grazing. This rule applies to all lands on which BLM administers livestock grazing. This rule also amends the Department of the Interior's appeals regulations pertaining to livestock grazing to provide consistency with administrative remedies provided for in the grazing regulations, increases public participation in the management of the public grazing lands, and amends the regulations on cooperative relations to reflect changes in the organization of certain advisory committees. The changes will improve the management of the Nation's public rangeland resources.

**DATES:** This rule will be effective August 21, 1995.

Section 4130.8-1(d) will not be implemented until the grazing year beginning March 1, 1996.

**ADDRESSES:** Inquiries should be sent to the Director, Bureau of Land Management, U.S. Department of the Interior, Room 5555, Main Interior Building, 1849 C Street NW., Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Charles Hunt, 202-208-4256.

**SUPPLEMENTARY INFORMATION:**

- I. Introduction
- II. Major Elements of the Department's Program To Promote Healthy Rangelands
- III. Summary of Rules Adopted
- IV. General Comments
- V. Section-by-Section Analysis and Responses to Public Comments
- VI. Procedural Matters
- VII. Regulatory Text

**I. Introduction**

This rule governs the Bureau of Land Management's (BLM) administration of

livestock grazing on public rangelands. The provisions of this rule will ensure proper administration of livestock grazing on the public rangelands. Many of the provisions will result in greater consistency between the administration of grazing on public rangelands by BLM and administration of grazing on National Forest System lands by the United States Forest Service (Forest Service). The rule is promulgated under the principal authorities of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1739, 1740), and the Taylor Grazing Act of 1934 (TGA) (43 U.S.C. 315a-r).

An advance notice of proposed rulemaking was published in the **Federal Register** on August 13, 1993 (58 FR 43208). A notice of intent to prepare an associated environmental impact statement (EIS) was also published in the **Federal Register** on July 13, 1993 (58 FR 37745). The Department also developed a booklet entitled *Rangeland Reform '94*, describing the Department of the Interior's (Department) proposal. Approximately 35,000 copies were distributed in late August and September of 1993 to all BLM grazing permittees and lessees, interested Congressional staff, and other interested parties. The Department received a total of about 12,600 letters from about 8,000 persons on the advance notice of proposed rulemaking, notice of intent to prepare an EIS, and the *Rangeland Reform '94* summary booklet. The Department considered these comments in identifying and refining key components of the rangeland improvement effort and in preparing a proposed rule and a draft EIS.

During a three-month period beginning November 17, 1993, Secretary of the Interior Bruce Babbitt (Secretary) met on 20 occasions around the West with groups that included western governors, State and local officials, ranchers, environmentalists and other public land users. He visited local groups in Colorado, Wyoming, and Oregon who were already engaged in addressing how land management decisions should be made, and participated in extensive discussion about the components of rangeland improvement. These meetings resulted in many productive suggestions that were reflected in the proposed rule. Additionally, at the invitation of Colorado's Governor Roy Romer, the Secretary met on nine separate occasions with a group of Colorado State and local officials, ranchers, conservationists and other land users in Denver and Gunnison, Colorado, for discussions regarding a process for building a consensus-driven local

approach to rangeland management. Similar meetings and follow-up discussions took place in Idaho, Oregon, and Nevada, in addition to meetings in Arizona, New Mexico, Utah and Wyoming. These meetings with the Secretary involved hundreds of hours of discussion.

On March 25, 1994, the Department published proposed rules in the **Federal Register** (59 FR 14314), with a 120 day comment period to July 28, 1994. Subsequently, at the request of commenters, the comment period was extended through September 9, 1994.

On May 13, 1994, the Department published in the **Federal Register** (59 FR 25118) a notice of availability of the draft EIS. Approximately 11,000 copies of the draft EIS were mailed to State and Federal legislators, western governors, major industry and environmental groups, the media, individuals who had commented on the advance notice of proposed rulemaking, and anyone else who requested a copy. All BLM permittees and lessees were mailed an executive summary, and provided a copy of the full document on request. Copies were also available through all BLM State Offices as well as Forest Service Regional Offices. The draft EIS analyzed in detail the proposed action and alternatives for improving the management of the Nation's public rangelands, including the proposed rule changes. On June 8, 1994, BLM and the Forest Service held 48 hearings throughout the West on the draft EIS and the proposed rulemakings; one hearing was also held that day at BLM's Eastern States Office in Virginia. Hearings were preceded by open houses staffed by Federal personnel to answer individual questions about the proposed rule. The location and procedures for the open houses and hearings were published in the May 16, 1994, **Federal Register** and announced in news releases. More than 1,900 people testified at the hearings. A transcript was made of each hearing. The transcripts are part of the public comment record and were considered during preparation of this final rule.

The Department received and considered more than 20,000 letters from over 11,000 persons on the notice of proposed rulemaking and the draft EIS. These letters included over 38,000 individual comments. The specific aspects of the notice of proposed rulemaking generating the most comments were the definitions, grazing fees, standards and guidelines for grazing, and Resource Advisory Councils (RACs). The objectives statement, mandatory qualifications, cooperative range improvement