

agreements, water rights, permits, and prohibited acts also generated a great number of comments. Many letters expressed opinions that the overall rangeland improvement proposal was a disincentive for good stewardship, would have major economic impacts on rural western communities, and would result in the "taking" of private property. Others supported aspects of the proposal, such as broadening participation in the decisionmaking process, requiring permittees or lessees to be good stewards, cancellation of permits for nonuse, and nonmonetary settlement of minor violations. All original letters and transcripts have been kept on file in sequential order.

On December 30, 1994, the Department published in the **Federal Register** a notice of availability of the Final EIS (FEIS). The agency mailed over 14,000 individual copies to Federal agencies, United States Senators and Representatives, the western governors, major environmental and industry groups, individuals who commented either on the draft EIS or the notice of proposed rulemaking or testified at the field hearings, and anyone else who requested copies. Copies are available from any BLM Resource Area office or Forest Service Forest Office throughout the western States.

## II. Major Elements of the Department's Program to Promote Healthy Rangelands

This section presents the general provisions of the Department's program to improve the public land grazing program.

### *Public Participation in Rangeland Management*

Allowing more Americans to have a say in the management of their public lands is an important element of improving the management of the public rangelands. The American rangelands can be—and are—used for far more than grazing. Hiking, birding, camping, fishing, hunting, mountain biking and mineral development activities are among the activities that are compatible with sound grazing practices. Section 102(a)(8) of FLPMA makes it clear that the Secretary is to manage the public lands in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air, atmospheric, water resource, and archeological values.

The Department believes that the public interest will be best served if a wide range of interests are represented when decisions are being made. Thus, increased public participation is essential to achieving lasting

improvements in the management of our public lands.

Under FLPMA, the Secretary is required to involve the public in many phases of public land management, including the development of regulations (section 102) and plans and programs (section 202). Section 309 authorizes the Secretary to provide for public participation in the preparation and execution of plans and programs for the management of public lands by establishing advisory councils that conform to the requirements of the Federal Advisory Committee Act (FACA).

Consistent with these provisions, the proposed rule gave extensive consideration to public participation in rangeland management. It proposed the creation of RACs in most BLM administrative districts which would be involved in the development of standards and guidelines for grazing. The RACs would have had the option of establishing rangeland resource teams and technical review teams for the purpose of providing input to be used by the RACs in developing recommendations. The RACs could request that the Secretary respond directly to their concerns if the council believed its advice was being arbitrarily disregarded. RAC members would be required to avoid conflicts of interest and to disclose direct or indirect interests in Federal grazing permits or leases, and to have experience or knowledge of the geographic area under the purview of the council.

Many comments were received on the concept of public participation. Almost all commenters supported the central principle—that public participation in decisionmaking on rangeland management should be enhanced. Comments on specific details of the proposal varied widely. Many commenters stressed their belief that the proposal was too complex and the resulting structure would create major administrative and resource needs without significant benefits. Other major comment themes addressed representation of various interests on all levels, requirements that members have local expertise, residency requirements, ability of the committees to participate in the development of standards and guidelines, the opportunity for the councils to request the Secretary to review issues, and the applicability of the FACA to the rangeland resource teams and technical review teams, among others. These comments are discussed in more detail in the section-by-section analysis of this preamble.

The proposed rule also included a detailed discussion of a model for

enhanced community-based involvement in rangeland management prepared by the Colorado Working Group on rangeland improvement. This Working Group was convened by Governor Roy Romer, and met between November 1993 and January 1994. Although the Working Group considered this an experimental approach that might not be applicable to other western States, the Working Group's model contained a number of excellent ideas, which, in the Department's judgement, other States might find useful in developing their own structures for public participation. During the comment period, the Department also received a number of suggestions concerning public participation from Governor Mike Sullivan of Wyoming who had convened a Steering Committee on the Management of Federal Lands. While the Committee noted that it did not reach unanimity on all issues, the model for public participation proposed by the group also contained many excellent ideas. The Wyoming and Colorado documents were extremely helpful to BLM in formulating this final rule, and the Department appreciates the work of the individuals who participated in these efforts. Two models of public participation included in the final rule were based heavily on the Wyoming and Colorado proposals. The Wyoming and Colorado proposals suggested that increased flexibility was needed in the development of final requirements for public participation in rangeland management. In response to these and other comments the Department has attempted to develop a final rule that provides maximum flexibility for structuring the public participation process.

FLPMA directs the Secretary to establish advisory councils of not less than 10 and not more than 15 members. Members must be appointed from among representatives of the various major citizens' interests concerned with problems relating to land use planning, or with the management of the public lands located within the area for which an advisory council is established. At least one member must be a publicly elected official. The Department envisions that the RACs formed in each State under the final rule will fulfill these statutory requirements. The RACs would also be subject to FACA (5 U.S.C. Appendix).

The rules as finalized today are designed to implement certain basic requirements that are essential to fulfilling the requirements of FACA, FLPMA, and the needs of the