enhanced public involvement in rangeland management, as envisioned throughout FLPMA.

The Department intends to start using the RACs for advice shortly after the rule becomes effective on August 21, 1995. This will require the selection of the advisory council model for each State and the nomination of advisory council members within the six-month period before this rule becomes effective. The decision regarding which advisory council model will be implemented in each State will be based on recommendations from BLM State Directors following consultation with the respective Governors and input from the public. Once the preferred model is identified, the internal process of developing the council charters can begin. The Department will also seek nominations for membership on the advisory councils from Governors and through a public call for nominations, pursuant to 43 CFR 1784.4–1. Finally, charters for the advisory councils will be drafted and reviewed by the Department, the Office of Management and Budget, and the General Services Administration. The timely establishment of the advisory councils will help ensure that there is adequate time for the councils to participate in developing State or regional standards and guidelines.

*Range Improvements and Water Rights*

The final rule conforms with common law concepts regarding retention of the title of permanent improvements in the name of the party that holds title to the land. Accordingly, after August 21, 1995, the title to all new grazing-related improvements constructed on public lands, or improvements related to the vegetation resource of public lands, except temporary or removable improvements, will be in the name of the party that holds title to the land, i.e. the United States. This provides consistent direction within BLM and makes BLM practice consistent with that of the Forest Service. Permanent range improvements will be approved through a cooperative range improvement agreement. A permittee's, lessee's, or cooperator's interest for contributed funds, labor, and materials will be documented. This documentation is necessary to ensure proper credit for purposes of reimbursement pursuant to section 402(g) of FLPMA, which requires compensation for the permittee's or lessee's authorized permanent improvements whenever a permit or lease is cancelled, in whole or in part, in order to devote the lands to another public purpose. Title to improvements existing before the effective date of this rule is not affected.

The final rule adopts without change the language of the proposed rule relating to water rights. The final rule provides consistent direction for BLM regarding water rights on public lands for livestock watering purposes. It is intended to make BLM's policy consistent with Forest Service practice, and with BLM policy on asserting water rights for livestock grazing prior to changes in the early 1980's. This section provides that the United States will acquire, perfect, maintain, and administer water rights obtained on public land for livestock grazing on public land in the name of the United States to the extent allowed by State law. Some States, such as Wyoming, grant public land livestock grazing water rights in the name of the landowner but also, in situations where the grazing lessee or permittee of State or Federal public land applies for a water right on that land, automatically include the State or Federal landowner as co-applicant. After consideration of public comment and further analysis, we have determined that co-application or joint ownership will be allowed where state policy permits it; for example, the Wyoming policy is consistent with the rule. Development of new water sources on public lands associated with a grazing permit or lease will be subject to cooperative range improvement agreements as provided in section § 4120.3–2.

The rule adopted today will be prospective. The final rule does not create any new Federal reserved water rights, nor will it affect valid existing water rights. Any right or claim to water on public land for livestock watering on public land by or on behalf of the United States will remain subject to the provisions of 43 U.S.C. 666 (the McCarran Amendment) and section 701 of FLPMA (43 U.S.C. 1701 note; disclaimer on water rights). Finally, the final rule does not change existing BLM policy on water rights for uses other than public land grazing, such as irrigation, municipal, or industrial uses.

*Administrative Practices*

With this final rule, BLM has made a number of changes to improve the administration of grazing on lands managed by BLM. These changes principally affect public participation in range decisions, administrative appeals and implementation of decisions, disqualification of applicants for grazing permits and leases based on a prior record of noncompliance, acts prohibited by the regulations, and the definition and implementation of conservation use.

*Interested public.* An important element of rangeland improvement involves facilitating effective public participation in the management of public lands. To implement this goal, the term ''affected interests'' is removed throughout the rule and replaced with the term ''interested public.'' The rule also removes the authorized officer's discretion to determine whether an individual meets the standards for ''affected interest'' status. The final rule adopts the definition of ''interested public'' as set forth in the proposed rule.

This change provides a consistent standard for participation by the public in decisions relating to grazing. Any party who writes to the authorized officer to express concern regarding the management of livestock grazing on specific grazing allotments will be recognized as a member of the ''interested public.''

Requirements for consultation with the interested public have been added in various sections of the rule, including those that deal with permit issuance, renewal and modification, increasing and decreasing permitted use, and development of activity plans and range improvement programs.

*Appeals.* Comments on the appeals procedures contained in the proposed rule suggested that the provisions were not clear. A number of changes have been made in the final rule to clarify the provisions. Most importantly, the final rule now references existing procedures in 43 CFR part 4, rather than repeating language from that part.

Under the final rule, persons choosing to appeal a decision of the authorized officer will normally be provided a 30-day period in which to file an appeal. Appellants may also petition the Director of the Office of Hearings and Appeals (OHA), or the Interior Board of Land Appeals (IBLA) to stay the decision until the appeal is decided. Where a petition for stay has been filed with an appeal, the Department's OHA has 45 days from the expiration of the 30-day appeal period either to grant or deny the petition for stay, in whole or in part. Thus, in cases where a person has filed a petition for stay of the decision of the authorized officer along with an appeal, and where the request for stay is denied, implementation of the decision would be delayed up to 75 days. In the event a stay of the decision is granted in whole or in part, the decision will be stayed until such time as a determination on the appeal is made.

This rule clarifies that the authorized officer can issue final decisions and