

of forage that is temporarily available pursuant to vegetation standards prescribed by land use plans or activity plans.

Section 4110.2-3, Transfer of grazing preference, is amended to reflect the new requirements of § 4110.1-1 pertaining to the applicant's history of performance and by adding a new paragraph (f) to require that new permits or leases stemming from transfer of the base property be for a minimum of three years, unless a shorter term is approved by the authorized officer.

Section 4110.2-4, Allotments, is amended to clarify that designation and adjustment of allotment boundaries includes the authority for, and the practice of, combining or dividing allotments when determined by the authorized officer to be necessary to achieve resource condition objectives or to enhance administrative efficiency. The section clarifies that modification of allotments must be done through agreement or decision of the authorized officer, following consultation, cooperation and coordination with involved persons, including the interested public.

Section 4110.3, Changes in permitted use, is amended by replacing the term "grazing preference" with "permitted use," and by clarifying that changes in permitted use will be supported by monitoring data, field observations, land use planning decisions, or data collected through other studies.

Section 4110.3-1, Increasing permitted use, is amended by including the requirement that a permittee, lessee, or other applicant must be determined to be qualified under subpart 4110, by substituting the term "permitted use" in place of "grazing preference," and by clarifying the requirements for consultation. Also, reference to a permittee's or lessee's demonstrated stewardship is added to factors to be considered in allocating available forage.

Section 4110.3-2, Decreasing permitted use, is amended by revising the heading, revising paragraph (b) to expand the list of methods for determining when a reduction in grazing use is necessary, and by deleting paragraph (c), which contained provisions for suspended use. The amendment adds ecological site inventory and other recognized methods for determining forage production as methods of identifying when use exceeds the livestock carrying capacity of the area considered. Monitoring remains as a means of determining forage production. The amendment also adds a reference to the fundamentals of

rangeland health and standards and guidelines.

Section 4110.3-3, Implementing reductions in permitted use, is retitled and previous paragraph (a) and other requirements for phased-in reductions in permitted use are removed. Previous paragraph (b) is amended to remove the term "suspension of preference" and add in its place the term "reductions in permitted use." The phrase "when continued grazing use poses a significant risk of resource damage from these factors" is amended to read "when continued grazing use poses an imminent likelihood of significant resource damage." This clarifies that modifications in grazing use and notices of closure can be implemented where continued grazing use poses an imminent likelihood of significant resource damage. Additionally, paragraph (b) provides, by reference to § 4110.3-2, for the application of the fundamentals of rangeland health and standards and guidelines and the use of other methods, in addition to monitoring, for determining the need for an initial reduction, and clarifies the action of the field manager, requirements for consultation, cooperation and coordination with involved persons, including the interested public. Previous paragraph (c) is redesignated as paragraph (b) and amended to remove the word "temporary" to recognize that the influences of natural events such as drought can significantly affect vegetation health and productivity for several months or years after a drought has passed. Redesignated paragraph (b) retains the special provisions for making decisions effective upon issuance or on the date specified in the decision when action is needed to protect rangeland resources.

Paragraph (a) of § 4110.4-2, Decreases in land acreage, is amended by removing reference to suspended use. Reductions in authorized use under preference permits or leases will no longer be recognized as suspended use.

#### Subpart 4120—Grazing Management

Section 4120.2, Allotment management plans and resource activity plans, is amended by revising the heading and by adding a reference to other activity plans that may prescribe grazing management. The final rule clarifies that draft AMPs or other draft activity plans may be prepared by other agencies or permittees or lessees, but that such plans do not become effective until approved by the authorized officer. AMPs must include standards and guidelines. Paragraph (a) is also amended by replacing the reference to

district grazing advisory boards with RACs and including State resource management agencies in the activity planning process.

The final rule also provides that permits and leases must include in their terms and conditions a requirement for conformance with AMPs or other applicable activity plans. Further, it provides that flexibility granted to permittees or lessees under a plan will be determined on the basis of demonstrated stewardship. The rule clarifies the existing provision that the inclusion of lands other than public lands in an AMP or other activity plan is discretionary. Finally, this section references the NEPA analysis and related public participation that is required for the planning and revision of allotment or activity plans, and provides that the decision document that follows the environmental analysis serves as the proposed decision for purposes of subpart 4160.

Section 4120.3-1, Conditions for range improvements, is amended by specifying in paragraphs (b) and (e) that "cooperative agreements" refers to cooperative range improvement agreements, and by inserting a new paragraph (f) addressing reviews of decisions associated with range improvement projects. The amendment clarifies the process for administering protests and appeals of decisions and provides that appeals are subject to the administrative remedies process set forth in 43 CFR part 4160.

The heading of § 4120.3-2, Cooperative range improvement agreements, is revised to clarify that this section deals with cooperative range improvement agreements as opposed to "cooperative agreements" with other Federal or State agencies. The section is amended to clarify that title will be in the United States for all new permanent grazing-related improvements constructed on public lands.

Title to temporary grazing-related improvements used primarily for livestock handling or water hauling can still be held by the permittee or lessee. The amendment will not affect ownership or rights currently held in a range improvement.

The provisions pertaining to title do not affect the existing practice of retaining a record of permittee or lessee contributions to specific authorized range improvement projects. This record will be used in determining compensation due the permittee or lessee in the event a permit or lease is cancelled in order to devote the public lands to another public purpose, including disposal of the lands. This record may also be considered during