

Subpart 4180—Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration

Section 4180.1, The fundamentals of rangeland health (titled National Requirements for Grazing Administration in the proposed rule) for grazing administration, are added to establish fundamental requirements for achieving functional, healthy public rangelands. These fundamentals address the necessary physical components of functional watersheds, ecological processes required for healthy biotic communities, water quality standards, and habitat for threatened or endangered species or other species of special interest.

Where it is determined that existing grazing management needs to be modified to ensure that the conditions of healthy rangelands set forth in § 4180.1, Fundamentals of rangeland health, are met or significant progress is being made to meet the fundamentals, the authorized officer must take appropriate action as soon as practical, but not later than the start of the next grazing season. This may include actions such as reducing livestock stocking rates, adjusting the season or duration of livestock use, or modifying or relocating range improvements.

Section 4180.2, Standards and guidelines for grazing administration, is added to direct that standards and guidelines will be developed for an entire State or for an area encompassing portions of more than one State, except where the geophysical or vegetal character of an area is unique and the health of the rangelands will not be ensured by using standards and guidelines developed for a larger geographical area. The geographical area covered will be determined by BLM State Directors in consultation with affected RACs. Once standards and guidelines are in effect, the authorized officer shall take appropriate action as soon as practical, but not later than the start of the next grazing year upon determining that existing grazing management practices are significant factors in failing to ensure significant progress toward the fulfillment of the standards and toward conformance with the guidelines. The preparation of standards and guidelines will involve public participation and consultation with RACs, Indian tribes, and Federal agencies responsible for the management of lands within the affected area.

Section 4180.2(d) lists factors that, at a minimum, must be addressed in the development of State or regional standards. The guiding principles for

the development of standards pertain to the factors needed to help achieve rangeland health. More specifically, the factors relate to watershed function, threatened or endangered species and candidate species, habitat for native plant and animal populations, water quality and the distribution of nutrients and energy flow. Section 4180.2(e) lists guiding principles to be addressed in the development of guidelines.

The rule provides that where State or regional standards and guidelines are not completed and in effect by February 12, 1997, the fallback standards and guidelines included in the text of the rule will be implemented. The fallback standards and guidelines address largely the same factors that are provided in the guiding principles for the development of the State or regional standards and guidelines. The fallback standards include more detail regarding the conditions that would exist under each of the factors when rangelands are in a healthy, functional condition than do the guiding principles presented in § 4180.2(d). Similarly, the fallback guidelines include grazing management practices while the guiding principles of § 4180.2(e) refer more generally to the types of concerns to be addressed in the development of State or regional guidelines.

Standards and guidelines will be applied through terms and conditions of grazing permits, leases and other authorizations, through AMPs and other activity plans, and through the conditions of cooperative range improvement agreements and range improvement permits. The Department recognizes that rangelands within a given area may be in functional, healthy conditions even though individual isolated sites do not meet the standards or guidelines. However, the Department believes that general failure to meet the benchmarks across a broader area, such as a typical BLM grazing pasture or BLM allotment, would be reliable evidence that the area is not in healthy, functional condition.

IV. General Comments

Numerous comments addressed the overall rulemaking. These comments asserted several central themes which crosscut different sections of the rulemaking. Accordingly, BLM has decided to address these central issues in this portion of the preamble. Within the context of such discussion, particular sections of the proposed and final rules will be referred to as necessary. Nevertheless, in these responses, BLM focuses upon central issues that were of concern to commenters throughout the proposal.

Comments that were more specific to a particular section are discussed in the following section entitled Section-by-Section Analysis and Responses to Public Comments.

Rangeland Reform Is Not Needed

Some commenters took the position that general rangeland improvement is unnecessary. Their view was that current legislation, regulations, and procedures provide enough latitude and capability for the government to administer the public rangelands properly, therefore there is no justification for designing and implementing the rangeland improvement program. They stated that the initiative should be dropped or abandoned immediately. They asserted that the government has not shown that the proposal will benefit the western range and many of the elements of the rule are more appropriately dealt with in manuals, instruction memos, and policy guidance.

In addition, the comment was often made that the National Research Council study commissioned by the National Academy of Sciences reports that the conditions of rangeland health in the West are largely unknown. If the conditions are unknown, stated the commenters, it is impossible to demonstrate a need for the proposed rule. Some commenters stated that the entire proposal and EIS were politically driven and did not relate to the resource protection issues of public land administration.

The Department believes that there is a need for changes in public rangeland grazing administration. The Department has been collecting data on the condition of the rangelands for over 60 years. The Department does have considerable information on all BLM lands, based on these years of data collection, although the same level of detailed knowledge may not be available on every allotment. The information available is sufficient to identify trends in rangeland health across the western rangelands.

The status and trends of the western rangelands upon passage of the Public Rangelands Improvement Act (PRIA) in 1978 indicated that western rangelands were producing below their potential and that rangelands would remain in unsatisfactory condition or decline further unless the unsatisfactory conditions could be addressed and corrected by intensive public rangelands maintenance, management and improvement. Congress articulated its view in PRIA that such unsatisfactory conditions on public rangeland present a risk for soil loss, siltation,