

desertification, water loss, loss of wildlife and fish habitat, loss of forage for livestock and other grazing animals, degradation of water quality, flood danger, and threats to local economies. In addition, BLM National Public Lands Advisory Council recommended in 1992 that “* * * foremost consideration needs to be given to protecting the basic components of soil, water and vegetation. Without assurances for the future well-being of these basic natural resources, there is little to squabble about.”

BLM's research has concluded that in the long term under current management practices 22 million acres of BLM uplands would be functioning but susceptible to degradation, and about 20 million acres would be nonfunctioning. The vegetation in some areas would change from potential natural communities to mid seral or late seral stages because of overgrazing, fire, or drought. Conditions would be worse in riparian and wetland areas. The overall trends would be a slow, steady, long-term decline in conditions. Approximately 466,000 acres of riparian areas (43 percent of the total) on BLM land would be functioning but susceptible to degradation, and 219,000 acres (21 percent) would be nonfunctioning. The results of these studies are reported in detail in the FEIS on this rulemaking. These studies show that without some changes in the current program conditions in critical riparian areas would continue to decline.

The program of rangeland improvement responds to the needs of BLM to ensure the efficient administration and management of public rangelands, as well as to the findings expressed by Congress most recently in PRIA, the National Public Lands Advisory Council, and the Western Governors' Association. The program has included and will continue to include significant public involvement. The FEIS associated with the rulemaking examined several alternatives, including continuing grazing administration under current rules and procedures. The impact analysis in Chapter 4 of the EIS demonstrates there would be substantial improvement in riparian areas, uplands, and only slightly reduced forage availability under the alternative adopted today when compared to a continuation of current management.

Some commenters asserted that rangeland improvement is unnecessary because it will not improve the condition of the public rangelands. The Department disagrees. Commenters argued that few permittees or lessees are

poor stewards of the public rangelands. They stated that the program will alienate many conscientious ranchers. The commenters asserted that the agencies and public may lose the service and support of these users in maintaining and improving the conditions of the public rangelands, and that rangeland conditions are likely to degrade. Therefore, they claimed, the initiative should be abandoned. However, the Department believes that improving administration of public rangelands will improve their condition, which will benefit all uses, including livestock grazing. This is discussed more fully in the FEIS on this rulemaking.

The standards and guidelines in the final rule are aimed at improving the ecological health of the rangelands. The analysis in the FEIS indicates there will be significant improvements.

The Department recognizes that the majority of public land grazing permittees and lessees are conscientious stewards. However, it also notes that line managers need clear authority and guidance to help correct problems in grazing use and to improve the degraded condition of some areas expeditiously. This program is intended to facilitate cooperation between BLM employees and public land users in making those improvements. Also, by making BLM and Forest Service management more similar, it will be easier for permittees and lessees to comply with land use requirements. Good stewards will not be adversely affected by this initiative and will have an opportunity to work with the Department to sustain the economic vigor of their industry while maintaining or improving the ecological health of the public lands. The Department recognizes that it is in the best interests of the users, the public, and BLM to cooperate in meeting these objectives.

Commenters also stated that the Department has gone through the formalities of public input but has failed to make public the findings and statistics of the letters and meetings. During development of the final rule, the Department considered all comments, and as a result has modified the language of the proposed rule. All comments received are available for review in BLM's administrative record. The section-by-section portion of this preamble explains the changes made to the proposed rule in this final rule.

Rangeland Improvement Is Inconsistent With Current Laws

Conflicts with TGA, FLPMA, and other laws. A number of comments questioned whether the proposed

amendments to the grazing rule conflict directly with TGA, FLPMA, PRIA and other related Federal laws. The BLM's main statutory authorities for regulating grazing on the public lands are TGA, FLPMA and PRIA. In TGA Congress directed the Secretary to bring order to the management of the public rangelands and improve range conditions.

Specifically, Section 2 of TGA provides:

The Secretary of the Interior shall make provision for the protection, administration, regulation, and improvement of such grazing districts * * * and he shall make such rules and regulations * * * and do any and all things necessary to accomplish the purposes of this Act * * * namely to regulate their occupancy and use, to preserve the land and its resources from destruction or unnecessary injury, to provide for the orderly use, improvement, and development of the range * * *.

The TGA authorizes the Secretary to, among other things, establish fees, issue permits and leases and prescribe terms and conditions for them, issue range improvement permits, and provide for local hearings on appeals. The emphasis on disposal of Federal lands changed with the Classification and Multiple Use Act in 1964 and FLPMA in 1976. In FLPMA Congress articulated the national policy that “the public lands be retained in Federal ownership.” 43 U.S.C. 1701. FLPMA also directs that land management be on the basis of multiple use and sustained yield, thus clarifying that other uses of public lands are equally appropriate. FLPMA did not repeal TGA, but did provide additional management direction. For example, section 402 of FLPMA provides that grazing permits and leases shall be:

[S]ubject to such terms and conditions the Secretary concerned deems appropriate and consistent with the governing law, including, but not limited to the authority of the Secretary concerned to cancel, suspend, or modify a grazing permit or lease for any violation of a grazing regulation or of any term or condition of such grazing permit or lease.

In 1978 Congress again focused on the public rangelands when it passed PRIA. In Section 2 of that Act Congress found that “vast segments” of the public rangelands were “producing less than their potential for livestock, wildlife habitat, recreation, forage and water and soil conservation benefits,” and so were considered to be in an unsatisfactory condition.” Congress went on in Section 2 to reaffirm a national commitment to “manage, maintain and improve the condition of the public rangelands so that they become as productive as feasible for all rangeland values.” The