

lessees pertaining to the issuance, modification, suspension, cancellation, renewal and general administration of grazing permits and leases will continue. For example, some commenters read the proposal to amend § 4.477 to require a permittee to choose between the evidentiary hearing provided by TGA and a stay of a final decision. A permittee will not have to choose between an appeal and requesting a stay. Both will be available.

The provisions adopted today make the procedures for appealing a final decision consistent with standard Departmental procedures for other types of appeals. Any person whose interest is adversely affected by a decision of the authorized officer has full appeal rights. Standing to maintain an appeal will continue to be determined by OHA. Except in situations where immediate action is needed for resource protection in accordance with the standards set forth in §§ 4110.3–3(b) and 4150.2(d), BLM will issue proposed decisions, which may be protested. Except in situations where immediate action is needed for resource protection in accordance with the standards set forth in §§ 4110.3–3(b) and 4150.2(d), no decisions will be effective until after the 30-day appeal period. The applicant can also file a petition for a stay of the decision while final determinations on appeal are being considered. If a petition for a stay is filed along with the appeal, the decision may be temporarily stayed for up to 45 days after the end of the 30-day period for filing an appeal while the petition is being considered. If a stay is granted, it will suspend the effect of the decision until final disposition of the appeal. Finally, parties have the option to seek administrative or judicial review of a decision that is put into immediate effect.

V. Section-by-Section Analysis and Responses to Public Comments

Part 4 of Title 43—Department Hearings and Appeals Procedures

Section 4.477 Effect of Decision Suspended During Appeal

The proposed rule would have revised the heading of this section to reflect that grazing decisions would no longer automatically be suspended when an appeal is filed as provided in the proposed revision of 43 CFR subpart 4160, and would also have removed other references to suspension of the decision of the authorized officer upon appeal.

Comments on this section addressed several major issues. Some commenters asserted that the proposal did not

provide adequate opportunity for administrative appeals and violated various statutory provisions. Some read the proposal to require a permittee to choose between the evidentiary hearing provided by TGA and a stay of a final decision. Other commenters were concerned about possible fiscal impacts of the provision. Other commenters stated that the proposed provision would speed implementation of needed grazing decisions.

The provisions adopted today make the procedures for appealing a final decision consistent with standard Department procedures for other types of appeals. These procedures are detailed in regulations of the Department's OHA, Title 43 of the Code of Federal Regulations, Part 4, Subpart B. Any person whose interest is adversely affected by a decision of the authorized officer still has full appeal rights. Except in situations where immediate action is needed for resource protection in accordance with the standards set forth in §§ 4110.3–3(b) and 4150.2(d), decisions will not be in effect until after the 30-day appeal period. An appellant can also file a petition for a stay of the decision while final determinations on appeal are being considered. If a petition for a stay is filed along with the appeal, the decision will be temporarily stayed for up to 45 days after the end of the period for filing an appeal (for a total of up to 75 days) while the petition is being considered. If a stay is granted, it will suspend the effect of the decision until final disposition of the appeal.

The provision will not require an appellant to choose between this process and the hearing on the evidence granted by TGA. The hearings referenced in this provision do include a review of the evidence on the case. A permittee will not have to choose between having such a hearing and requesting an appeal. Both will be available.

In accordance with the above discussion, the Department has decided to adopt the provision as proposed. The phrase "pertaining to the period during which a final decision will not be in effect" is added to clarify that the reference to § 4.21(a) relates to those specific provisions.

Part 1780—Cooperative Relations

Section 1784.0–5 Definitions

The proposed section would have replaced the term "authorized representative" with "designated Federal Officer" to make the terminology of the rule more consistent

with the terminology of FACA and 41 CFR 101–6.1019.

The Department received very few comments on this initial section of the discussion of cooperative relations. The most common issue raised was the abolition of grazing advisory boards (GABs). This issue is covered below under the discussion of § 1784.6–5.

Some comments suggested that the change from "authorized representative" to "designated Federal officer" was designed to give greater authority and stature to Federal personnel.

Each RAC or other advisory committee will have a "designated officer of the Federal Government," as required by section 10(d) of FACA, who will chair or attend each meeting. The regulations implementing FACA, 41 CFR subpart 101, use the term "designated Federal officer" and prescribe the authority and responsibility of that position. As required by FACA, this officer will call the meetings of the committees and will develop the agendas of the meetings.

In accordance with the above discussion, the Department has concluded that the final rule will include these changes as proposed, because it intends that cooperative relations be conducted in conjunction with FACA and the language and requirements of this final rule should be consistent with FACA.

Section 1784.2–1 Composition

Under the proposed rule, this section would have been amended by eliminating existing paragraph (b), and amending existing paragraph (c), which is redesignated new paragraph (b). Previously, paragraph (b) established an eligibility requirement for grazing advisory board members. This requirement would no longer have been necessary with the discontinuance of the grazing advisory boards.

New paragraph (b) would have added to existing education requirements for committee membership new requirements that individuals can qualify to serve on advisory committees if they have experience or knowledge of the geographic area covered by the committee, and they have demonstrated a commitment to collaborate in seeking solutions to resource management issues.

Many commenters expressed confusion about the Department's use of the terms "board," "council" and "committee." In this final rule, "council" is used to refer exclusively to the RACs. "Committee" is used in §§ 1784.0–5, 1784.2–1, 1784.2–2, 1784.3, 1784.5–1, and 1784.5–2. These