

statement of BLM's internal working procedures.

In accordance with the above discussion, the Department has adopted the objectives statement as amended.

Section 4100.0-5 Definitions

The proposal would have removed definitions of "Affected interests," "Grazing preference," and "Subleasing." It would have amended definitions of "Active use," "Actual use," "AMP," "Consultation, cooperation and coordination," "Grazing lease," "Grazing permit," "Land use plan," "Range improvement," "Suspension," and "Utilization"; and would have added in alphabetical order definitions of "Activity plan," "Affiliate," "Conservation use," "Grazing preference or preference," "Interested public," "Permitted use," "Temporary nonuse," and "Unauthorized leasing and subleasing." This final rule adds definitions "Annual rangelands," and "Ephemeral rangelands."

The final rule makes changes to the proposed definitions of "affiliate" and "consultation, cooperation and coordination." It makes minor technical and clarifying changes to the proposed definitions of "conservation use," "grazing lease," "grazing permit," "land use plan," "range improvement," "unauthorized leasing and subleasing," and "utilization." It adds definitions of "annual rangelands" and "ephemeral rangeland." Otherwise, the definitions are adopted as proposed.

The following specific actions are taken by this final rule.

Active use is redefined to include conservation use and exclude temporary nonuse or suspended use.

A definition of *Activity plan* is added to mean a plan for managing a use, or resource value or use. An AMP is one form of an activity plan.

Actual use is redefined to clarify that the term may refer to all or just a portion (e.g., a pasture) of a grazing allotment.

A new definition of *Affiliate* is added for use in determining whether applicants have satisfactory records of performance for receiving permits or leases or in receiving additional forage that becomes available for allocation to livestock grazing.

Allotment Management Plan is redefined to describe more clearly the focus and purpose of the plan, and to make clear that an AMP is a form of activity plan.

A definition of *Annual rangelands* is added to mean those areas which are occupied primarily by annual plants and which are available for livestock grazing during some years.

A definition of *Conservation use* is added to mean an activity on all or a portion of an allotment for the purpose of protecting the land and its resources from destruction or unnecessary injury. The term includes improving rangeland conditions and the enhancement of resource values or functions.

Consultation, cooperation and coordination is redefined to mean a process for communication between representatives of BLM and the parties involved for the purpose of sharing information, obtaining advice, and exchanging opinions.

A definition of *Ephemeral rangeland* is added to mean areas of the Hot Desert Biome (Region) that do not consistently produce enough forage to sustain a livestock operation but may briefly produce unusual volumes of forage to accommodate livestock grazing. Typically, these rangelands receive less than eight inches of rainfall each year and lie below 3,200 feet elevation.

Grazing lease and *Grazing permit* are redefined to clarify what forms of use are authorized in leases and permits and to clarify that the documents specify a total number of AUMs apportioned, the area authorized for grazing use, or both.

Grazing preference is redefined to mean the priority to have a Federal permit or lease for a public land grazing allotment that is attached to base property owned or controlled by a permittee, lessee, or applicant. The definition omits reference to a specified quantity of forage, a practice that was adopted by the former Grazing Service during the adjudication of grazing privileges. Like the Forest Service, BLM will identify the amount of grazing use (AUMs), consistent with land use plans, in grazing use authorizations to be issued under a lease or permit.

A definition of *Interested public* is added to mean an individual, group or organization that has submitted written comments to the authorized officer regarding the management of livestock grazing on specific grazing allotments.

Land use plan is redefined to remove the implication that all management framework plans will be replaced by resource management plans.

A definition of *Permitted use* is added to define the amount of forage in an allotment that is allocated for livestock grazing and authorized for use, or included as suspended nonuse, under a grazing permit or lease. The term replaces the AUMs of forage use previously associated with grazing preference.

Range improvement is redefined to include protection and improvement of rangeland ecosystems as a purpose of range improvements.

Suspension is redefined to reflect the revision of the definition of the term "preference." Within this definition the term "preference" is replaced with "permitted use."

A definition of *Temporary nonuse* is added to refer to permitted use that may be temporarily made unavailable for livestock use in response to a request by the permittee or lessee.

A definition of *Unauthorized leasing and subleasing* is added to mean the lease or sublease of a Federal grazing permit, associated with the lease or sublease of base property, to another party, without approval of the authorized officer, the assignment of public land grazing privileges to another party without the assignment of the associated base property, or allowing another party to graze livestock that are not owned or controlled by the permittee or lessee on the permittee's or lessee's public land grazing allotment. This changes the existing definition which could be read to imply that no forms of third party lease arrangements could be authorized.

Utilization is redefined to mean the consumption of forage by all animals consistent with the definitions in BLM Technical Reference 4400-3 and the Bureau Manual System for Inventory and Monitoring.

The Department received many comments on this section. Some commenters wanted original definitions left unchanged; others suggested further revisions, still others asked that additional new definitions be added.

Many comments were received on the definitions of *active use*, *actual use*, *conservation use*, *grazing preference or preference*, *permitted use*, *suspension*, and *temporary nonuse*. A number of commenters expressed uncertainty regarding the concept of conservation use, some objecting to the inclusion of conservation use as an active use. Others indicated that the concept of conservation use may be inconsistent with the policy objectives articulated in various statutes.

Other concerns with the concept were that it implied that grazing is harmful to the range, and that permittees applying for conservation use should pay the grazing fee and be required to maintain improvements. These and other comments on conservation use are more appropriately addressed in the discussion of § 4130.2.

The Department intends that *conservation use* be an active use rather than merely a non-use. Conservation use is intended to protect the land and its resources from destruction, improve rangeland conditions, or enhance resource values. All of these goals are