

necessary to protect rangeland resources.

A number of commenters stated that the phase-in of reductions should not be eliminated because it promotes industry stability and gives livestock operators a chance to adjust their operation. Others suggested that the authorized officer should restrict access for a temporary period of time rather than making reductions in "emergency" situations. Commenters also objected to removal of the terms "coordination and cooperation" in redesignated paragraph (a) as being a violation of PRIA. Others objected to involvement of the interested public.

Numerous commenters raised concerns over the lack of documentation required to implement reductions in grazing use, and stated that prolonged monitoring should be required. Others stated that "full force and effect" provisions should not apply to reductions and that the RACs should be consulted prior to reductions and emergency closures.

The Department will implement any increase or decrease as outlined in the final rule by documented agreement or by decision of the authorized officer. These documents may include a provision for a phase-in period. However, in some situations, immediate action is needed to protect rangeland resources, including wildlife and riparian areas, because of conditions such as drought, fire, flood, insect infestation or other conditions that present an imminent likelihood of significant resource damage. The Department has concluded that in these situations immediate corrective action is warranted, without the constraints of a phase-in period. Of course, even where a decision is implemented immediately, an adversely affected party would retain the ability to petition the OHA for a stay of the decision.

The Department disagrees that the provisions of this section are inconsistent with any statutory requirements. These issues are covered more fully above in the General Comments section of the preamble. The words "cooperation and coordination" have been added to paragraph (a). As noted at § 4100.0-5, the Department has decided to use the phrase "consultation, cooperation, and coordination" in cases where broad based input into agency deliberations is sought. The Department believes that such input is critical to effective management of public rangeland.

The authorized officer will make decisions about implementing reductions in permitted use based on monitoring, field observations,

ecological site inventory or other acceptable data. The final rule at 4110.3-2(b) covers adequate monitoring and documentation necessary to implement reductions. The Department believes that the language in the rule expanding the sources of information that the authorized officer can use to implement such changes is desirable to provide flexibility to the process and to ensure that the authorized officer can take immediate action to protect the resource, including making decisions effective immediately or on a specific date, when conditions require it.

While in some specific circumstances a RAC may be involved in a decision to reduce permitted use, the Department does not believe it is feasible to consult the councils for every grazing management decision.

In accordance with the above discussion, the Department has decided to adopt the provision as proposed, with the following changes. The term "cooperation and coordination" is added back into paragraph (a). In paragraph (b), 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. Such decisions may be placed into effect upon issuance or on a specified date and will remain in effect during any appeal unless a stay is granted.

Section 4110.4-2 Decrease in Land Acreage

The proposed rule would have amended paragraph (a) by removing the words "suspend" and "suspension" and by changing the term "grazing preference" to "permitted use" consistent with other changes throughout the proposal. As a result, decreases in public land acreage available for grazing would no longer have associated forage allocations carried on a permit or lease as suspended use.

The major concerns commenters raised with respect to this section involved compensation for lost range improvements and AUMs and the elimination of the terms "suspend" and "suspension." The existing regulation provides for compensation to the permittee for his or her contribution in the permanent range improvements developed within areas that are being devoted to a public use that precludes

livestock grazing. Compensation is not required for the reduction or loss of available livestock forage due to a change of use, which would include cases of use being reduced to protect the rangelands. This provision is not being changed.

The final rule has removed "suspend" and "suspension" because it does not serve the best interests of either the rangeland or the operator to continue to carry suspended numbers on a permit unless there is a realistic expectation that the AUMs can be increased due to increased forage availability. If such numbers are carried, the permittee or lessee may have an unrealistic expectation for increases in AUMs in the future. In cases where the acreage is being reduced, it is not likely that such an increase will occur. Therefore, there appears to be no good reason to refer to suspended AUMs in the regulation covering decreases in land acreage. If rangeland conditions improve to the extent that increased usage is possible, the provisions of § 4110.3 can be used to increase permitted use accordingly.

All decisions pertaining to a grazing permit or lease will involve consultation with the affected permittee and affected interests. All final decisions of the authorized officer will be subject to the administrative remedies discussed in subpart 4160, including the right of appeal.

In accordance with the above discussion, the Department has decided to adopt the provision as proposed.

Section 4120.2 Allotment Management Plans and Resource Activity Plans

The proposed rule would have amended this section by revising the heading and by adding reference to other activity plans that may prescribe grazing management. This provision was intended to reflect BLM's belief that activity plans that provide direction for the major resources and uses of a particular area are more effective management tools, and are more consistent with an ecosystem approach, than are single source planning documents.

The proposed rule would have clarified that draft AMPs, or other draft activity plans, could be developed by other agencies, permittees or lessees, or interested citizens. This provision was intended to broaden the base of participation in the planning process, and to provide interested parties, including interested citizens, an opportunity to facilitate the planning process through such participation.

Another proposed provision would have clarified that AMPs or other activity plans, including those prepared