

by other parties, would not have become effective until approved by the authorized officer. This provision is consistent with authority granted to the Secretary by 43 U.S.C. 1752.

Paragraph (a) would have been amended by replacing the reference to district grazing advisory boards with RACs and including State resource management agencies in the activity planning process. This change would have been made for conformance with the proposals on subpart 1780, and with the Department's intent to broaden the base of participation in the grazing management process.

Another amendment would have changed the existing provision regarding the flexibility granted to permittees or lessees under an AMP to specify that it would be determined on the basis of demonstrated stewardship. The requirement for earning flexibility was intended as an incentive for grazing operators to manage for the improvement of rangeland conditions. Additionally, it was intended to recognize that permits and leases operated by good stewards require less administration.

The proposed rule would have clarified that the inclusion of other than public lands in an AMP or other activity plan is discretionary. The use of "shall" in the existing regulation could have been read to require inclusion of such lands.

The amendment would also have specified that a requirement of conformance with AMPs be incorporated into the terms and conditions of the grazing permit or lease. This proposal would have changed a provision in existing paragraph (c) which required that the plan itself, rather than a requirement to conform with the plan, be included in the terms and conditions of the permit or lease. This provision was intended to conform with existing practice regarding how AMP decisions are reflected in permits and leases.

Proposed paragraph (c) would have been a new provision. It would have provided that the authorized officer give an opportunity for public participation in the planning and environmental analysis of proposed AMPs affecting the administration of grazing and give public notice concerning the availability of environmental documents prepared as a part of the development of such plans, prior to implementing them. It would also have provided that the decision document following the environmental analysis would be considered the proposed decision for the purposes of subpart 4160 of this part. This provision was intended to

streamline administrative processes by allowing BLM to combine NEPA analysis with the activity plan process. Additionally, the provision assists the grazing permittees and lessees by clarifying that decisions regarding AMPs can be appealed through the standard appeals process specified in subpart 4160.

The Department received a number of comments on this section. Most frequent comments reflected perceptions that the proposed rule would eliminate the requirement that BLM "consult, coordinate and cooperate" with the permittee. Many stated that to allow participation by the interested public would severely delay the process. Others said some provisions, such as using resource activity plans to serve as the functional equivalents of AMPs, are outside the Secretary's jurisdiction. Some respondents raised questions such as whether development of the AMP was discretionary, and whether standards and guidelines would be imposed retroactively on existing plans.

A number of other comments were received on various details of the process and scope of AMPs and other activity plans. These comments will prove useful in developing subsequent guidance for BLM's field management staff.

The proposed rule included the term "consultation, cooperation and coordination" in the requirements for preparing AMPs and other activity plans under paragraph (a) but used the term "consultation" in paragraph (e) pertaining to revising and terminating such plans. In the rule adopted today, the term "consultation, cooperation and coordination" is substituted for "consultation" in paragraph (e) and remains as proposed in paragraph (a).

The Department disagrees that involvement of the interested public will delay the final outcome of the planning process. While at some stages, involvement of the interested public in AMPs may slow the process, their involvement also will result in fewer drawn-out protests and appeals and more rapid implementation on the ground. The Department intends that interested parties will be involved in all levels of planning, including the development of land use plans and the preparation of site-specific management activity plans such as AMPs. It remains the responsibility of BLM to make timely decisions. These rules do not change existing time frames processes such as protests or appeals.

The provision allowing resource activity plans to serve as the functional equivalent of AMPs is not outside the Secretary's authority, and the final rule

retains this provision. The concept of more integrated resource activity plans better meets the statutory requirements of FLPMA and NEPA, provides a more efficient way to plan for the management of a specified area, and allows more complete analysis of public comment and cumulative effects.

Activity plans that serve as the functional equivalent of AMPs will meet the FLPMA definition of AMPs (43 U.S.C. 1702(k) and 1752(d)) by addressing the specific conditions of rangelands within the grazing allotments covered by such plans.

The Department does not intend that standards and guidelines will automatically be incorporated into plans upon the effective date of this rule. Rather, standards and guidelines will be incorporated into individual plans as the need for modification of the plans is identified. Subpart 4180 directs the authorized officer to take action no later than the start of the next grazing year to initiate significant progress toward rangeland health in cases where the authorized officer determines that existing management practices are failing to ensure significant progress toward meeting the standards or toward conforming with the guidelines. Under this provision, terms and conditions of existing permits could be revised, under the procedures specified in new § 4130.3-3, to incorporate new terms and conditions to address resource condition issues. Such decisions by the authorized officer will be subject to rights of appeal under subpart 4160, as will decisions to adopt, terminate or modify an AMP or its functional equivalent.

In accordance with the above discussion, § 4120.2 is adopted as proposed with the exception of minor edits, the addition of the explicit reference to other activity plans serving as the functional equivalent of AMPs, and the substitution of the term "consultation, cooperation and coordination" for the term "consultation" in paragraph (e).

#### Section 4120.3-1 Conditions for Range Improvements

The proposed rule would have amended this section by inserting a new paragraph (f) specifying that range improvement projects would be reviewed in accordance with NEPA requirements, and that the decision document issued as a result of that review would be considered the proposed decision for purposes of subpart 4160 of this part.

This provision would not have introduced any new requirement. Rather, it would have clarified in these