existing BLM policy on water rights for uses other than public land grazing, such as irrigation, municipal, or industrial uses.

Some States, such as Wyoming, grant public land livestock grazing water rights in the name of the landowner but also, in situations where the grazing lessee or permittee of State or Federal public land applies for a water right on that land, automatically include the State or Federal landowner as co-applicant. After consideration of public comment and further analysis, we have determined that co-application or joint ownership will be allowed where State policy permits it; for example, the Wyoming policy is consistent with this final rule.

Some comments questioned whether the language violates State or Federal law. Some commenters questioned whether the language would deny permittees the full use of water and what the impact would be on transferring the point of use of water from or to public lands. Some commenters suggested that the regulation should state that BLM will not have special priority in water adjudications and that the regulation does not affect water on private lands.

The Department's intent in adopting this section is to provide consistent water policy guidance to BLM personnel. It is not the Department's intent to create any new Federal reserved water right, nor does it affect valid existing rights. It has been BLM's policy to seek water rights under State substantive and procedural requirements; the language adopted today does not alter that policy.

The language adopted today clarifies that the United States will acquire, perfect, maintain, and administer water rights obtained on public land for livestock grazing on public land in the name of the United States to the extent allowed by State law. Questions such as qualified applicants, what constitutes beneficial use, and quantity and place of use are addressed through State procedural and substantive law. Thus, the Department is not attempting, through the language adopted today, to prejudge the outcome of proceedings under State water law. For the same reason, the Department has not adopted suggestions to include language relating to priority of rights or water rights on private lands. These matters are addressed by State substantive and procedural requirements.

Other comments questioned whether the provision would have a negative impact on adjacent private property, wildlife, and range conditions. Clarification of BLM water rights policy regarding livestock watering on public lands should not have a negative impact on adjacent property. The provision does not address water rights on non-Federal lands. The language adopted today also does not change existing BLM policy on water rights for uses other than public land grazing, such as irrigation, municipal, or industrial uses. The Department has concluded that wildlife and range conditions will be benefited by clarifying BLM water policy. It is the Department's intent in adopting the language of this section to promote the use of the public lands on a sustained yield basis for multiple use purposes.

Section 4120.5 Cooperation in Management

The proposed rule would have added a new section on cooperation in management to recognize and regulate cooperation with, among others, State, county, Indian tribal, local government entities and Federal agencies. The provision is adopted as proposed.

Very few comments were received on this section, and most commenters combined their comments with comments on § 4120.5–1. Some commenters requested that ''coordinate and consult'' be added after ''cooperate'' and that the Department remove references to ''institutions, organizations, corporations, associations, and individuals.'' Others asked that the Department give special consideration to the customs, culture and economic impact of projects on existing local communities.

The Department will ensure public involvement and cooperation, in the management of the public lands to the maximum extent possible. All citizens have a stake in the management of the public lands. FLPMA is very specific as to the requirement for cooperation with local land use planning. It requires the Secretary to coordinate land use planning and management activities with State and local land use planning and management programs and directs that land use plans shall be consistent with State and local plans to the maximum extent possible under Federal law and the purpose of the Act.

The section deals with the requirement for cooperation in management. There is no basis to add the terms ''coordinate and consult.'' Section 315 of TGA specifically calls for ''cooperation'' with agencies engaged in conservation or propagation of wildlife, local associations of stockmen, and State land officials.

All proposed project and planned actions undertaken to implement these regulations will require more local level assessments. Regulations dealing with impact assessment require consideration of socio-economic impacts.

Section 4120.5–1 Cooperation With State, County, and Federal Agencies

This section would have recognized existing cooperation with State cattle and sheep boards, county and local noxious weed control districts, and State agencies involved in environmental, conservation, and enforcement roles related to these cooperative relationships. The TGA, Noxious Weed Control Act, FLPMA, PRIA and other statutes and agreements require cooperation with State, county and local governments, and Federal agencies.

Many commenters wanted the Department to strengthen the language requiring cooperation with local and county governments and their land use planning efforts. Other commenters wanted the list to include private land owners, only groups that can prove an affected interest in the livestock business or only individuals who have invested as much money as the livestock operators. Many commenters requested that the Department strike references to the Wild Free-Roaming Horse and Burro Act and expressed that Animal Damage Control and similar predator control agencies should be listed as a cooperating partner.

Other commenters wanted the Department to show greater deference to State wildlife agency decisions on critical range for wildlife species, to strengthen cooperation on noxious weeds, and to use its authority to reduce the spread of noxious weeds by requiring certified weed free forage and by spending more rangeland improvement funds on weed control.

The Department believes that the provision as proposed adequately addresses its legal responsibilities and its desire to cooperate with State, county and Federal agencies, and has adopted it with no changes.

This section requires cooperation in management. It does not deal with the Department's responsibilities to consult with permittees or lessees or other private parties. The section derives in part from the statutory provision in section 315h of TGA, which requires the Secretary to provide, by suitable rules, for cooperation with local associations of stockmen, State land officials, and official State agencies engaged in conservation or propagation of wildlife interested in the use of the grazing districts. While other authorities would allow the Secretary to expand the reach of this provision, under TGA the Secretary could not limit it to those with