

an "affected interest." That terminology relates to different statutory provisions, and is not germane here.

Additionally, 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 consistent with Federal law and the purpose of the Act.

The Department will ensure public involvement and cooperation, including State wildlife agency input, in the management of the public lands to the maximum extent possible. However, it is not appropriate to single out wildlife agencies for greater deference in these regulations. On a case-by-case basis, such deference may be appropriate.

The specifics of noxious weed programs are not germane to this section. It is the intent of this rangeland management effort to improve the Department's ability to address such issues, including through increased cooperation with State agencies responsible for weed control.

Subpart 4130—Authorizing Grazing Use

Many sections of subpart 4130 have been redesignated from the existing CFR section identifiers. These changes are intended to put the various sections into more logical groupings. The following table shows the relationship between section numbers in the existing rules and section numbers in the rule adopted today:

Old CFR section	Final rule section
4130.1	4130.1-1
4130.1-1	4130.4
4130.1-2	4130.1-2
4130.2	4130.2
4130.3	4130.5
4130.4	4130.6
4130.4-1	4130.6-1
4130.4-2	4130.6-3
4130.4-4	4130.6-4
4130.5	4130.7
4130.6	4130.3
4130.6-1	4130.3-1
4130.6-2	4130.3-2
4130.6-3	4130.3-3
4130.7	4130.8
4130.7-1	4130.8-1
4130.7-2	4130.8-2
4130.7-3	4130.8-3
4130.8	4130.9

In addition to changes in many section numbers, the headings of several of the sections have been revised to provide more descriptive titles. The following discussion will use the new numbers and cross reference the old numbers.

Section 4130.1 Applications

A new title, Applications, is added at § 4130.1, to improve the logical structure for the subpart.

Section 4130.1-1 Filing Applications (Formerly Section 4130.1)

In the proposal, there would have been two minor changes in this section from the existing rule. "Conservation use" would have been substituted for "nonuse" in the parenthetical phrase to clarify that such use must be specified in the application. Another new phrase would have specified that applications for annual grazing authorizations, which in the proposal included active grazing use and temporary nonuse, also had to be filed with BLM.

The Department received very few comments on this section. The few comments that the Department did receive concerned the concept of "conservation use." This term is discussed at § 4130.2.

Upon further consideration, the Department believes that substituting "conservation use" for "nonuse" may be confusing, because conservation use is actually a subcategory of active use. Furthermore, the meaning of the other phrase proposed to be added to this section can be covered by existing language. Accordingly, the Department has decided not to finalize the proposed changes to this section. However, to improve the structure and logic of the subpart, and to clarify the purpose of this section, it is retitled, "Filing Applications."

Section 4130.1-2 Conflicting Applications (Section Number Remains the Same)

The proposed rule would have amended paragraph (b) of this section to expand the criteria used in evaluating conflicting applications to include the applicant's ability to provide for proper use of rangeland resources. When two or more otherwise qualified applicants apply for the same permit or lease, such considerations are legitimate methods of determining which applicant should be selected.

The new criteria would have promoted BLM's ability to award permits to good stewards of public lands in cases where there were competing applicants by taking into account the applicant's ability to manage the land. The criteria included the applicant's history of compliance with the terms and conditions of Federal and State grazing permits and leases.

The few comments that the Department received on this section addressed primarily the expansion of

the criteria to include the applicant's history of compliance. Others inquired about additional definitions.

The Department declines to accept the commenters' suggestions to define additional terms because they are defined by common usage in rangeland management or law.

Although TGA does not specifically deal with competing applications, the Department does not believe that Congress, in passing TGA, intended the Department to issue grazing permits to documented violators of statutory provisions related to grazing use. Additionally, improvement of the rangeland under a specific permittee or lessee's livestock management is a valid factor to be considered, when evaluating conflicting applications. Furthermore, this review should extend to all persons who control a permit or lease, not just the specific applicant.

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

Section 4130.2 Grazing Permits or Leases (Section Number Remains the Same)

Under the proposed rule, permits and leases would have continued to be offered for 10-year terms except in specified circumstances. The proposed rule would have clarified that all grazing permits and leases issued, including the transfer or renewal of permits and leases, would have included terms and conditions addressing the national requirements and standards and guidelines proposed under subpart 4180, as well as terms and conditions establishing allowable levels, seasons and duration of use, and other terms and conditions that would assist in achieving management objectives, provide for proper range management, or assist in the orderly administration of the public rangelands.

The proposal also would have clarified the requirements for consultation with interested parties prior to the issuance or renewal of grazing permits and leases. The proposal also would have clarified that the provision prohibiting the offer or grant of permits and leases when the applicant refuses to accept the terms and conditions of the offered permit or lease would have applied to applicants for renewals and new permits and leases.

The proposed rule also would have clarified the granting of conservation use and temporary nonuse. Conservation use would have been established as one of the allowable uses a permittee or lessee may be granted, when in conformance with applicable