

grazing-related actions on public lands would have been required to conform with the national requirements. Where the national requirements were not being met, the authorized officer would have been required to take corrective action prior to the start of the next grazing season. This would have included actions such as reducing livestock stocking rates, adjusting the season or duration of livestock use, or modifying or relocating range improvements. Nothing in the national requirements relating to riparian systems was to be construed to create a water right based on Federal law. The national requirements presented in the proposed rule have been retitled "fundamentals of rangeland health" to better reflect the Department's view that they represent the basic components of healthy rangelands. These components will be referred to as the "fundamentals of rangeland health" in the discussion below.

The Department received many comments on this section. Comments suggested that establishing fundamentals that were unique to grazing administration discriminated against public land livestock operators and questioned the statutory authority of the Secretary to promulgate such provisions. Other comments expressed the view that the provisions were too lax; still others asserted that the section discounted the role that herbivores have played in the history of the public rangelands and would create problems and complexities in BLM grazing program due to the variation in standards and guidelines.

It is the Department's intent to establish through the fundamentals of rangeland health and the applicable standards and guidelines appropriate grazing practices to help ensure productive rangelands. These fundamentals will guide BLM in the development of plans for public lands and in the authorization of grazing-related activities, consistent with the provisions of FLPMA and TGA, that lead toward or maintain healthy, sustainable rangelands. It is not unusual for BLM programs to have unique requirements that pertain to a particular group of activities on the public lands, for example the Onshore Orders regulating portions of the oil and gas program.

The fundamentals are statements of the conditions that are representative of healthy rangelands across the West, and, as such, are relatively broad as pointed out in some comments. The fundamentals establish the Department's policy of managing for healthy rangelands. State or regional

standards and guidelines will be developed, under the umbrella of the fundamentals, to provide specific measures of rangeland health and to identify acceptable or best management practices in keeping with the characteristics of a State or region such as climate and landform. State or regional standards and guidelines will provide the measures and guidance needed to develop terms and conditions of permits, leases, and other authorizations, AMPs and other activity plans, cooperative range improvement agreements and to issue range improvement permits in a manner that will result in maintaining or making significant progress toward healthy, functional rangelands.

The focus on the fundamental requirements of healthy rangelands does not discount the role played by herbivores. Applying the principles of ecosystem management to grazing administration requires consideration of herbivores, both wild and domestic. The historical role of herbivores is discussed in some detail in the FEIS on this rule.

The intent in adopting this section is to facilitate compliance with relevant requirements of Acts such as the ESA and the Clean Water Act and to ensure functional rangelands in order to improve ecological conditions while providing for sustainable development. The Department does not agree with some commenters who asserted that the fundamentals would exceed the requirements of the relevant statutes. The fundamentals, along with State or regional standards and guidelines, will be used to establish management practices that are appropriate for the particular region that lead toward or maintain healthy, sustainable rangelands and provide security of tenure for permittees and lessees.

Regarding comments that the section creates complexities and problems for BLM's grazing program due to State or regional variations, the Department has concluded that such variation is necessary to address the specific conditions present within individual areas. The fundamentals, however, provide the basic components of healthy rangelands that will apply to all States and regions (exclusive of Alaska). These overarching principles will be supplemented by standards and guidelines that will be tailored to more local conditions.

Finally, some commenters also asserted that the fundamentals of rangeland health and the standards and guidelines would result in a "taking" if grazing use was modified as a result of this section. Issues associated with

"takings" are discussed in the General Comments section.

In accordance with the above discussion, the Department has decided to adopt the substance of the provision as proposed with reordering and modifications for clarity, adding wording that requires significant progress toward meeting the fundamentals, and rewording to incorporate more fully a watershed management approach.

#### Section 4180.2 Standards and Guidelines for Grazing Administration

Under the proposed rule, this new section would have established the requirements for the development of standards and guidelines for grazing administration on public lands, and guiding principles for their development. All grazing related actions within the affected area would have been required to conform with the appropriate standards and guidelines. The geographical area to be covered by the standards and guidelines to be developed pursuant to this section were to be determined by the BLM State Director. Standards and guidelines would have been required to be developed for an entire State, or for an ecoregion including portions of more than one State, except where the geophysical or vegetal character of an area is unique and the health of the rangelands could not be ensured by using standards and guidelines developed for a larger geographical area. The preparation of standards and guidelines would have involved consultation with multiple resource advisory councils, coordination with Indian tribes, and Federal agencies responsible for the management of lands within the affected area. Public participation would have included the involvement of the interested public.

The proposed rule would have established guiding principles to be addressed in the development of standards and guidelines. The guiding principles for standards to be developed were to have pertained to the minimum soil, water and biological conditions required for rangeland ecosystem health. All standards for grazing administration would have been required to address factors relating to soil stability and watershed function, the distribution of nutrients and energy, and the recovery mechanisms of plant communities and riparian functioning conditions. The guiding principles for the development of guidelines for grazing administration were to have pertained to the types of management actions necessary to ensure that the standards could be met. Included in