

guidelines are developed, more specific and useful application of ESA requirements and water quality standards can be made. For instance, habitat requirements may be presented in measurable terms or tied to specific areas within the State or region.

In accordance with the above discussion, the Department has decided to adopt the provision as proposed with the exception of modifications for clarity, consolidation and reordering of paragraphs, clarifying the concept of upward trend by adding the requirement for making "significant progress" toward fulfilling the standards and toward conforming with the guidelines, removal from the fallbacks the redundant reference to ESA requirements and State water quality standards, and to incorporate more fully a watershed management approach and current science consistent with rangeland health goals.

VI. Procedural Matters

NEPA

The BLM analyzed the impacts of these final rules in its "Rangeland Reform '94: Final Environmental Impact Statement," in accordance with section 102(2)(C) of the NEPA of 1969 (42 U.S.C. 4332(c)(C)).

A Record of Decision for the EIS for Rangeland Reform '94 was issued on February 13, 1995. The Department's decision is represented in the rule adopted today. The ROD departs from the preferred alternative in the FEIS in that it retains the existing grazing fee formula, identified as the PRIA (No Action) alternative, and makes minor modifications to the Preferred Management alternative. Changes made from the Preferred Management alternative of the FEIS, and adoption of the No Action Fee alternative, which are represented in the Record of Decision and this final rule, were found to be within the range of alternatives considered in the FEIS. Also, these changes were found not to affect the analysis of environmental consequences presented in the FEIS.

Executive Order 12778: Civil Justice Reform Certification

This rule has been reviewed under the applicable standards of Executive Order 12778, Civil Justice Reform (56 FR 55195). The requirements of the Executive Order are covered by the preamble discussion of this rule. The Department certifies that this rule meets the applicable standards provided in Section 2(a) and 2(b)(2) of that Order. Where applicable, the recommendations and analyses required under Section

2(d) of that Order are attached to the certification and included in the administrative record of this rule.

Regulatory Flexibility Act

The Department has determined that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A final regulatory flexibility analysis has been prepared and may be requested from the following address: Bureau of Land Management, U.S. Department of the Interior, Room 5555, Main Interior Building, 1849 C Street NW, Washington, DC 20240. The final rule will not change costs to industry or to the Federal, State, or local governments. Furthermore, the rule produces no adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States enterprises to compete with foreign-based enterprises in domestic or export markets.

Executive Order 12866

This final rule has been reviewed under Executive Order 12866.

Executive Order 12630

This rule has been reviewed under Executive Order 12630, the Attorney General Guidelines, Department Guidelines, and the Attorney General Supplemental Guidelines to determine the takings implications of the proposed rule if it were promulgated as currently drafted. Because the relevant statutes and rules governing grazing on Federal land and case law interpreting said statutes and rules have consistently recognized grazing on Federal land as a revocable license and not a property interest, it has been determined that this final rule does not present a risk of a taking.

Paperwork Reduction Act

The collections of information contained in this rule have been approved by OMB under 44 U.S.C. 3501, *et seq.* and assigned clearance numbers: 1004-0005, 1004-0019, 1004-0020, 1004-0041, 1004-0047, 1004-0051, and 1004-0068.

Public reporting burden for the information collections are as follows: Clearance number 1004-0005 is estimated to average 0.33 hours per response, clearance number 1004-0019 is estimated to average 0.33 hours per response, clearance number 1004-0020 is estimated to average 0.33 hours per response, clearance number 1004-0041 is estimated to average 0.25 hours per response, clearance number 1004-0047 is estimated to average 0.25 hours per

response, clearance number 1004-0051 is estimated to average 0.3 hours per response, and clearance number 1004-0068 is estimated to average 0.17 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of these collections of information, including suggestions for reducing the burden to the Information Collection Clearance Officer (873), Bureau of Land Management, Washington, DC 20240, and the Office of Management and Budget, Paperwork Reduction Project, 1004-0005, -0019, -0020, -0041, -0047, -0051, or -0068, Washington, DC 20503.

Author

The principal authors of this final rule are Annetta L. Cheek and Charles Hunt, Regulatory Management Team, with the assistance of many other staff members of the Bureau of Land Management, U.S. Department of the Interior, 1849 C St. NW., Washington, DC 20240.

List of Subjects

43 CFR Part 4

Administrative practice and procedure, Civil rights, Claims, Equal access to justice, Government contracts, Grazing lands, Indians, Interior Department, Lawyers, Mines, Penalties, Public lands, Surface mining.

43 CFR Part 1780

Administrative practice and procedure, Advisory committees, Land Management Bureau, Public lands.

43 CFR Part 4100

Administrative practice and procedure, Grazing lands, Livestock, Penalties, Range management, Reporting and record keeping requirements.

For the reasons stated in the preamble and under the authority of the FACA (5 U.S.C. Appendix), section 2 of the Reorganization Plan No. 3 of 1950 (5 U.S.C. Appendix, as amended; 64 Stat. 1262), the TGA of 1934 (43 U.S.C. 315, 315a-r), the Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act of 1937 (43 U.S.C. 1181d), and the FLPMA of 1976 (43 U.S.C. 1739, 1740), part 4 of subtitle A of title 43, and part 1780, group 1700, subchapter A, and part 4100, group 4100, subchapter D, of subtitle B of chapter II of title 43 of the Code of Federal Regulations are amended as set forth below: