

(b) The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits and leases.

\* \* \* \* \*

(d) The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless—

(1) The land is being considered for disposal;

(2) The land will be devoted to a public purpose which precludes grazing prior to the end of 10 years;

(3) The term of the base property lease is less than 10 years, in which case the term of the Federal permit or lease shall coincide with the term of the base property lease; or

(4) The authorized officer determines that a permit or lease for less than 10 years is in the best interest of sound land management.

\* \* \* \* \*

(f) The authorized officer will not offer, grant or renew grazing permits or leases when the applicants, including permittees or lessees seeking renewal, refuse to accept the proposed terms and conditions of a permit or lease.

(g) Temporary nonuse and conservation use may be approved by the authorized officer if such use is determined to be in conformance with the applicable land use plans, AMP or other activity plans and the provisions of subpart 4180 of this part.

(1) Conservation use may be approved for periods of up to 10 years when, in the determination of the authorized officer, the proposed nonuse will promote rangeland resource protection or enhancement of resource values or uses, including more rapid progress toward resource condition objectives; or

(2) Temporary nonuse for reasons including but not limited to financial conditions or annual fluctuations of livestock, may be approved on an annual basis for no more than 3 consecutive years. Permittees or lessees applying for temporary nonuse shall state the reasons supporting nonuse.

(h) Application for nonrenewable grazing permits and leases under §§ 4110.3-1 and 4130.6-2 for areas for which conservation use has been authorized will not be approved. Forage made available as a result of temporary nonuse may be made available to qualified applicants under § 4130.6-2.

\* \* \* \* \*

44. Newly redesignated § 4130.3 is revised to read as follows:

**§ 4130.3 Terms and conditions.**

Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part.

45. Newly redesignated § 4130.3-1 is amended by revising the second sentence of paragraph (a) and adding a new paragraph (c) to read as follows:

**§ 4130.3-1 Mandatory terms and conditions.**

(a) \* \* \* The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.

\* \* \* \* \*

(c) Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part.

46. Newly redesignated § 4130.3-2 is amended by revising paragraph (f), removing the period from the end of paragraph (g) and adding an “; and” and by adding a new paragraph (h) to read as follows:

**§ 4130.3-2 Other terms and conditions.**

\* \* \* \* \*

(f) Provision for livestock grazing temporarily to be delayed, discontinued or modified to allow for the reproduction, establishment, or restoration of vigor of plants, provide for the improvement of riparian areas to achieve proper functioning condition or for the protection of other rangeland resources and values consistent with objectives of applicable land use plans, or to prevent compaction of wet soils, such as where delay of spring turnout is required because of weather conditions or lack of plant growth;

\* \* \* \* \*

(h) A statement disclosing the requirement that permittees or lessees shall provide reasonable administrative access across private and leased lands to the Bureau of Land Management for the orderly management and protection of the public lands.

47. Newly redesignated § 4130.3-3 is revised to read as follows:

**§ 4130.3-3 Modification of permits or leases.**

Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having

lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.

48. Newly redesignated § 4130.4 is amended by revising the heading and paragraph (b) to read as follows:

**§ 4130.4 Approval of changes in grazing use within the terms and conditions of permits and leases.**

\* \* \* \* \*

(b) Changes in grazing use within the terms and conditions of the permit or lease may be granted by the authorized officer. Permittees and lessees may apply to activate forage in temporary nonuse or conservation use or to place forage in temporary nonuse or conservation use, and may apply for the use of forage that is temporarily available on designated ephemeral or annual ranges.

49. Newly redesignated § 4130.5 is amended by designating the text as paragraph (a), and by adding paragraph (b) to read as follows:

**§ 4130.5 Free-use grazing permits.**

\* \* \* \* \*

(b) The authorized officer may also authorize free use under the following circumstances:

(1) The primary objective of authorized grazing use or conservation use is the management of vegetation to meet resource objectives other than the production of livestock forage and such use is in conformance with the requirements of this part;

(2) The primary purpose of grazing use is for scientific research or administrative studies; or

(3) The primary purpose of grazing use is the control of noxious weeds.

50. Reserved §§ 4130.5-1 through 4130.5-3 are removed.

51. In newly redesignated § 4130.6-1, paragraph (a) is revised to read as follows: