

determined that this rule will not have sufficient federalism implications to warrant the preparation of a federalism assessment.

H. Civil Justice Reform (Executive Order 12988)

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, Civil Justice Reform, 61 FR 4729, February 7, 1996, imposes on executive agencies the general duty to adhere to the following requirements:

(1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for effective conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3 (a), section (b) of Executive Order 12988 specifically requires that executive agencies make every reasonable effort to insure that the regulations: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing federal law or regulation; (3) provides a clear legal standard for affecting conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires executive agencies to review regulations in light of the applicable standards in section 3(a) and section 3(b) to determine whether they

are met or it is unreasonable to meet on or more of them. This proposed implementation guidance does not unduly burden the judicial system and meets the applicable standards provided in sections 3(a) and 3(b)(2) of the Executive Order 12988.

I. National Environmental Policy Act (NEPA)

This proposed rule is categorically excluded from the preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*, because its environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and the Federal actions under the proposed rule (*i.e.*, approval or disapproval of grazing permits on Indian lands) will be subject at the time of the action itself to the National Environmental Policy Act process, either collectively or case-by-case. Further, no extraordinary circumstances exist to require preparation of an environmental assessment or environmental impact statement.

J. Consultation and Coordination With Indian Tribal Governments (Executive Order 13175)

Pursuant to Executive Order 13175 of November 6, 2000, Consultation and Coordination with Indian Tribal Governments, the Department has determined that because the proposed rule making will uniquely affect tribal governments it will follow Department and Administrative protocols in consulting with tribal governments on

the rulemaking. Consequently, tribal governments will be notified through this **Federal Register** document and through BIA field offices, of the ramifications of this rulemaking. This will enable tribal officials and the affected tribal constituency throughout the Navajo Partitioned Lands to have meaningful and timely input in the development of the final rule. This will reinforce good intergovernmental relations with the Navajo Nation and better inform, educate and advise the Navajo Nation on compliance requirements of the rulemaking. We consulted with representatives of the Navajo Nation during the formulation of this proposed regulation. Representatives from the Navajo-Hopi Land Commission and Navajo Nation Natural Resource Committee met in consultation several times from November 2002 to June of 2003 to draft the proposed regulations. The comments received from these consultations were taken into consideration in the formulation of the following proposed NPL Grazing regulations. We have committed to consulting with the Navajo Nation in the formulation of a final rule for the Navajo Partitioned Lands Grazing regulations.

K. Paperwork Reduction Act

This regulation requires an information collection from 10 or more parties, and therefore is subject to review under the Paperwork Reduction Act of 1995 (Pub. L. 104-13).

The table showing the burden of the information collection is included below for your information.

TABLE OF BURDEN FOR 25 CFR 161

CFR Section	Number of respondents	Number of annual responses	Hourly burden per response (hours)	Total annual hourly burden	Salary: \$5.00 × total hourly burden = total hourly burden cost	Federal burden per response (hours)	Total Federal annual burden hours	Salary: \$18.52 × total hourly burden = total Federal burden cost
161.102	700	700	.....	.....	.....	1/2	350	\$6,482
161.206	700	700	1/2	350	\$1,750	1/4	175	3,241
161.301	700	700	.....	.....	.....	1/4	175	3,241
161.302	700	700	1/3	233	1,165	1/4	175	3,241
161.304	700	700	.....	.....	.....	1/4	175	3,241
161.402	700	700	1/3	233	1,165	1	700	12,964
161.500	70	70	1/3	23	115	1	70	1,296
161.502	70	70	.....	.....	.....	1/4	17.5	324
161.604	35	35	1/2	17.5	87	1	35	648
161.606	35	35	1/2	17.5	87	1	35	648
161.703	35	35	1/2	17.5	87	1	35	648
161.704	35	35	1/2	17.5	88	1	35	648
161.708	10	10	1/2	5	25	1	10	185
161.717	10	10	1	10	50	2	20	370
161.800	700	700	1/4	175	875	1/4	212.5	3,936
161.801	85	85	1/2	42.5	213	1	85	1,575
161.802	85	85	1	85	425	1/2	42.5	787