

its usage throughout the rule should provide a consistent framework for the efficient administration of the public rangelands.

Interested public: BLM proposes amending the present definition to mean an individual, group, or organization that has:

1. Submitted a written request to BLM to be provided an opportunity to be involved in the process leading to a BLM decision on the management of livestock grazing on public lands, and

2. Followed up that request by commenting on or otherwise participating in the decision-making process as to the management of a specific allotment if there has been an opportunity for such participation, or

3. Submitted written comments to the authorized officer regarding the management of livestock grazing on a specific allotment, as part of the process leading to a BLM decision on the management of livestock grazing on the allotment.

Permitted Use: BLM proposes removing the definition of “permitted use” and replacing this term wherever it occurs in the regulations with either “grazing preference” or “preference,” or “active use” depending on the regulatory context. “Permitted use” was introduced as a term in the 1995 regulations change to define an amount of forage allocated by a land use plan for livestock grazing in an allotment. It is expressed in AUMs and includes “active use” (which was further divided into “livestock use” and conservation use) and “suspended use.” As discussed above, BLM is proposing to return to using the term “grazing preference” or “preference” to refer to that same livestock forage allocation. Therefore, there is no need for the term “permitted use.” Grazing preference would have two components:

1. “Active use,” or use currently available on a sustained yield basis, and
2. “Suspended use,” or use that had been allocated and available for livestock grazing at some point in the past, but is now in suspension until BLM determines that an increased amount of forage is available on a sustained yield basis for allocation to livestock grazing.

Although the connection between land use plans and grazing preference would not be stated in the definition of “grazing preference” or “preference” as it is being proposed today, the regulatory text would reflect the relationship between “active use” and land use plans at §§ 4110.2–2, 4110.3(a)(3), and 4110.3–1 and between grazing permits and leases and land use plans at § 4130.2.

Suspension: BLM proposes to remove the word “temporary” from the current definition because the word is superfluous. The status of suspended preference is not affected.

Temporary nonuse: BLM proposes making it clear that “temporary nonuse” would mean that portion of active use that BLM allows a permittee or lessee not to use. The permittee or lessee must apply for temporary nonuse.

Subpart 4110—Qualifications and Preference

Section 4110.1 Mandatory Qualifications

We revised this section by moving parts of paragraph (b) and all of paragraph (c), which relate to procedure as opposed to qualifications, to section 4130 and redesignating paragraph (d) as paragraph (c).

Section 4110.2–1 Base Property

The proposed rule makes editorial changes to this section.

Section 4110.2–2 Specifying Grazing Preference

BLM proposes removing the term “permitted use” wherever it occurs in this section and replacing it with the term “grazing preference” or “preference” for the reasons previously explained. BLM does not establish a grazing preference in designated ephemeral or annual rangelands because the forage production on these lands can vary greatly from year to year. On these rangelands, BLM bases the authorized forage removal amount on the availability of forage in that year. As stated earlier, BLM also proposes that grazing preference would include active use and any suspended use.

Section 4110.2–3 Transfer of Grazing Preference

The proposed rule would make editorial changes to this section to conform the rule to the definition of “grazing preference.”

Section 4110.2–4 Allotments

BLM proposes to remove the requirement that BLM consult with the interested public before making an allotment boundary adjustment because it is primarily an administrative matter that we implement by decision or agreement following a NEPA analysis of the action. BLM would provide the interested public an opportunity to comment on the action as part of the NEPA process. The interested public would also receive a copy of the proposed and final decisions, including those on allotment boundary adjustments, and would be able to

protest and appeal such decisions. This change would contribute to administrative efficiency as discussed above under changes to section 4100.0–5, Definitions.

Section 4110.3 Changes in Grazing Preference

BLM proposes to remove the term “permitted use” wherever it occurs in this section and replace it with the term “grazing preference” for the reasons explained previously. BLM also proposes to simplify this section by dividing the existing text into two paragraphs and adding a third paragraph to clarify that our NEPA documentation addressing changes in grazing preference would include our consideration of the effects of changes in grazing preference on relevant social, economic, and cultural factors.

Generally, BLM managers routinely consider the possible effects of their decisions on these factors through the NEPA process. Public officials use the NEPA process to understand the environmental consequences of potential decisions affecting the human environment. NEPA (42 U.S.C. 4321 *et seq.*) requires Federal agencies to utilize a systematic, interdisciplinary approach to ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making. In the proposed rule, BLM would analyze and, if appropriate, document the relevant social, economic and cultural effects of the proposed action. BLM is proposing the change to ensure that our managers document their consideration of relevant social, economic, and cultural factors when they comply with NEPA.

Section 4110.3–1 Increasing Active Use

In the 1995 rule, section 4110.3–1 addressed “permitted use.” This proposed amendment addresses that portion of the livestock forage allocation that is “active use” as explained in the discussion of its definition. This change is necessary to link the proposed definitions of “preference” and “suspended use.” BLM proposes to remove the term “permitted use” from this section wherever it appears and replace it with the term “active use” for the reasons explained previously.

Because the regulation would affect how we regulate available forage, we are asking the public to comment on whether BLM should use the term “available forage” instead of “active use.”

BLM is also asking for specific comments relating to this section to help determine whether there have been