

location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: September 10, 1998.

Gene L. Draais,

Assistant Field Manager, Nonrenewable Resources.

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DEPARTMENT OF INTERIOR

Bureau of Land Management

[UT-930-08-1020-04-WEED]

Use of Certified Noxious Weed-Free Hay, Straw or Mulch; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of final supplementary rule to require the use of certified noxious weed-free hay, straw or mulch on Bureau of Land Management (BLM) administered lands in Utah to help prevent the spread of noxious weeds.

SUMMARY: Beginning 30 days from the date of publication of this rule in the **Federal Register**, the Utah State Director of the Bureau of Land Management will require all visitors, licensees, and permittees to use certified noxious weed-free hay, straw, or mulch. This requirement will affect all public land users who use hay, straw or mulch on BLM administered lands in Utah. These individuals or groups will be required to use certified noxious weed-free forage products, or use other approved products, such as processed grains and pellets, while on BLM-administered lands in Utah.

SUPPLEMENTARY INFORMATION: BLM in Utah published a Notice of Proposed Supplementary Rule on February 9, 1998, in the **Federal Register**. That notice listed a thirty-day comment period. Eight people commented on the proposal. Seven of those comments were from people who supported the proposal and one generally opposed the rule.

Noxious weeds are a serious problem in the western United States and are rapidly spreading at an estimated rate of 14 percent per year. Species like Leafy Spurge, Squarrose Knapweed, Russian Knapweed, Musk Thistle, Dalmatian Toadflax, Purple Loosestrife, and many others are alien to the United States and have no natural enemies to keep

noxious weed populations in balance. Consequently, these undesirable weeds invade healthy ecosystems, displace native vegetation, reduce species diversity, and destroy wildlife habitats. Widespread infestations lead to soil erosion and stream sedimentation. Furthermore, noxious weed invasion impact revegetation efforts, reduce domestic and wild ungulates' grazing capacity, occasionally irritate public land users by aggravating allergies and other ailments, and threaten federally-protected plants and animals.

To help curb the spread of noxious weeds, a number of western states have developed noxious weed-free forage certification standards and have passed weed management laws. Utah's BLM Resource Advisory Council (RAC) developed a guideline requiring certified weed-free forage to be used on BLM lands. This guideline was approved by both the Utah BLM State Director and the Secretary of the Interior in May, 1997. The use of salt, protein, and other supplements are not considered in this rule. Utah State Department of Agriculture has developed a crop field inspection and certification process. Participants may have their hay fields inspected and certified as being noxious weed free. The producers can obtain bale Identification tags from the Utah Department of Agriculture, which verifies that the product is certified. Utah Department of agriculture also maintains a list of growers who produce certified products. Region four, of the United States Forest Service, has implemented a similar policy for National Forest lands in Utah. This rule will provide a standard for all users of BLM lands in Utah, and will provide for coordinated management with National Forest lands across jurisdictional lines.

RESPONSE TO COMMENTS: Eight people commented on the proposed rule. Most comments (6) were positive toward the program. One comment suggested that the program should be implemented over two years, while another said implement it immediately. One comment asked if the equestrian public was going to be part of the education process. The education and information plan is to include all special interest groups that use the public lands, regardless of the fact that they do not use or take forage products with them. Two comments were about their own private lands where weeds have increased and control is costing them large sums of money each year. One comment was opposed to the weed free requirement because it was targeted at the livestock interests only. This rule

will apply to recreationists, horse back riders, hunting camps, livestock, erosion control projects, etc., or anyone who has a need to take hay, straw or mulch products onto BLM administered lands. The supplementary rules will not appear in the Code of Federal Regulations.

For the reasons stated above, under the authority of 43 CFR 8365.1-6, the Utah State Office, BLM, has finalized supplementary rules to read as follows: Supplementary Rules to Require the Use of Certified Noxious Weed-Free Forage on Bureau of Land Management-Administered Lands in Utah.

(a)(1) To help prevent the spread of weeds on BLM-administered lands in Utah. Effective 30 calendar days following publication of this rule, all BLM lands within the state of Utah will be closed to those possessing, using or storing hay, straw, or mulch that has not been certified as free of prohibited noxious weed vegetative parts and/or seeds, at all times of the year.

(2) Certification will comply with the Utah Department of Agriculture and with Regional Weed-Free Forage Certification Standards, jointly developed by the States of Utah, Idaho, Montana, Nebraska, Colorado, and Wyoming.

(3) The following persons are exempt from this order: anyone with a permit signed by BLM's authorized officer at the Field Office level, specifically authorizing the prohibited act or omission within that Field Office Area.

(b) Any person who knowingly and willfully violates the provisions of these supplemental rules regarding the use of non-certified noxious weed-free hay, straw or mulch when visiting Bureau of Land Management-administered lands in Utah, without required authorization, may be commanded to appear before a designated United States Magistrate and may be subject to a fine of no more than \$1,000 or imprisonment of not more than 12 months, or both, as defined in 43 United States Code 1733(a).

FOR FURTHER INFORMATION CONTACT: Larry Maxfield, Rangeland Management Specialist, Biological Resources, Division of Natural Resources, Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, UT 84145-0155, or phone (801-539-4059).

Dated: September 15, 1998.

G. William Lamb,

Utah State Director.

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