

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****[MT-963-1020-04-WEED]****Notice of Proposed Supplementary Rules To Require the Use of Certified Noxious Weed-Free Forage on Bureau of Land Management-Administered Lands in North Dakota****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice of proposed supplementary rules to require the use of certified noxious weed-free forage on Bureau of Land Management-administered lands in North Dakota.

**SUMMARY:** The Field Manager of the Bureau of Land Management (BLM) in North Dakota is proposing a requirement that public land users, including permittees, and local, state, or federal government agents conducting administrative activities, use certified noxious weed-free hay, straw, cubes, grains, or mulch when visiting BLM administered lands in North Dakota. This requirement will affect those who use the above-named products on BLM administered lands in North Dakota such as: recreationists using pack and saddle stock, and contractors who use straw or other mulch for reseeding purposes. These individuals or groups would be required to use certified noxious weed-free forage products, or other approved products such as pelletized feed while on BLM administered lands in North Dakota.

**DATES:** Comments concerning the proposal should be received on or before July 19, 1999.**ADDRESSES:** Send written comments concerning the North Dakota requirement to: Field Manager, BLM, 2933 3rd Ave. W., Dickinson, ND 58601-2619.**FOR FURTHER INFORMATION CONTACT:** BLM—North Dakota Field Office, Don Ruffedt, Natural Resource Specialist, 2933 3rd Ave. W., Dickinson, ND 58601-2619, or telephone (701) 225-9148.**SUPPLEMENTARY INFORMATION:** Noxious weeds are a serious problem in the western United States. Estimates of the rapid spread of weeds in the west include 2,300 acres per day on BLM public lands and 4,600 acres per day on all federally-administered land. Species such as leafy spurge, Canada thistle, spotted knapweed, musk thistle, purple loosestrife, and many others are alien to the United States and, at least initially, have no natural enemies to keep their populations in balance. Consequently,

these weeds invade healthy ecosystems, displace native vegetation, reduce species diversity, and damage wildlife habitat. Widespread infestations can lead to soil erosion and stream sedimentation. Furthermore, noxious weed invasions reduce livestock and wildlife grazing capacity, occasionally affect the health of public land users by aggravating allergies and other ailments, and threaten federally protected or native plants and animals.

To curb the spread of noxious weeds, a growing number of western states have jointly developed noxious weed-free forage certification standards, and, in cooperation with various federal, state, and county agencies, passed weed management laws. Because hay and other forage products containing noxious weed seeds are part of the infestation problem, North Dakota has developed a program to certify weed-free forage. The state encourages forage producers to grow noxious weed-free products and have them certified.

Region One of the United States Forest Service, Department of Agriculture, implemented a similar policy for the National Grasslands in North Dakota in 1998. This proposal will provide a standard regulation for all users of BLM lands in North Dakota and will provide for coordinated management with National Forest Grasslands across jurisdictional lines.

In cooperation with the state of North Dakota and the U.S. Forest Service, the BLM is proposing—for all BLM administered lands within North Dakota—a ban on hay, straw, cubes, grains, or mulch that has not been certified. This proposal will ensure that: (1) this ban is well publicized and understood. The BLM would stress education and awareness in 1999 and 2000 and move to implement enforcement in 2001; and (2) BLM visitors and land users will know where they can purchase state-certified hay or other products.

The principal author of these proposed supplementary rules is Don Ruffedt, Natural Resource Specialist, of the North Dakota Field Office, BLM.

For the reasons stated above, under the authority of 43 CFR 8365.1-6, the North Dakota Field Office, BLM, proposes 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 North Dakota:**

(1) To help prevent the spread of weeds on BLM-administered lands in North Dakota, effective September 1, 1999, all such lands shall be closed to possessing, transporting or storing hay,

straw, cubes, grains, or mulch that has not been certified as free of noxious weed seed. Pelletized feed does not require certification.

(2) Certification will comply with North Dakota's Pilot Weed Free Forage Program. North Dakota's pilot program will certify forage as free of only those noxious weeds listed in North Dakota. Forage from other states should be free of all regionally listed noxious weeds.

(3) The following persons are exempt from this order: (a) anyone with a permit signed by BLM's authorized officer at the North Dakota Field Office specifically authorizing the prohibited act or omission on BLM-administered public lands within the state; (b) persons transporting forage products on federal and state highways and county roads that are not BLM-development roads or trails.

(4) Any person who knowingly and willfully violates the provisions of these supplemental rules may be commanded to appear before a designated United States Magistrate and may be subject to a fine of not more than \$1,000 or imprisonment of not more than 12 months, or both, as defined in 43 United States Code § 1733(a).

Dated: June 4, 1999.

**Douglas J. Burger,***Field Manager, Bureau of Land Management, North Dakota.*

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**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****[(NM-930-1310-01); (NMNM 89815)]****New Mexico: Proposed Reinstatement of Terminated Oil and Gas Lease**

Under the provisions of Public Law 97-451, a petition for reinstatement of oil and gas lease NMNM 89815 for lands in Eddy County, New Mexico, was timely filed and was accompanied by all required rentals and royalties accruing from November 1, 1998, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of \$10.00 per acre or fraction thereof and 16 $\frac{2}{3}$  percent, respectively. The lessee has paid the required \$500 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice.

The Lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e)