

Dated: May 1, 1996.  
Mike Zaidlicz,  
*Acting District Manager.*  
[FR Doc. 96-11705 Filed 5-9-96; 8:45 am]  
BILLING CODE 4310-JA-P

[NM-010-06-1220-00/G010-G6-0202]

**Establishment of Supplementary Rules for Designated Recreation Sites, Special Recreation Management Areas, and Other Public Lands in the Albuquerque District, NM**

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Final Supplementary Rules.

**SUMMARY:** Supplementary rulemaking is provided for under Title 43 CFR, Subpart 8365. These rules are needed for managing actions, activities, and use on public lands, including those lands that have been acquired by or conveyed to the BLM. These rules also provide for the protection of persons and resources in the interest and spirit of cooperation with local, state and other federal agencies. Except as otherwise provided by federal law or regulations, state and local laws and ordinances apply and will be enforced by the appropriate state and local authorities.

This notice supersedes previous notices published in the Federal Register (August 17, 1989, Vol. 54, No. 158; and correction to Supplementary Rules No. 2, February 1, 1991, Vol. 56, No. 28) that established supplementary rules for designated recreation sites, special recreation management areas and other public lands in the Albuquerque District, New Mexico.

Proposed supplementary rules to 43 CFR Subparts 8365.1 and 8365.2 for the BLM, Albuquerque District, were published in the Federal Register on August 2, 1995 (Vol. 60, No. 148, pp. 39413-39416), for public comment and review. For a period of 30 days, the public was invited to submit comments on the proposed supplementary rules. Six sets of comments were submitted. Comments were received from four individuals, the Adobe Whitewater Club, and the Open Space Committee for the Village of Placitas. In addition to these respondents, individuals within the agency also commented. Comments ranged from general support of the rules in terms of managing public safety and resource protection, to the disagreement with specific rules. Two comments were on issues beyond the scope of the proposed rules; they refer to activities on nonfederal lands over which the BLM has no jurisdiction. All relevant comments received before this

publication have been given special consideration during preparation of these final rules.

A summary follows of the comments received and the BLM's responses to those comments that are relevant to the activities covered by the proposed rules.

One respondent urged the BLM not to ban public nudity, but to allow clothing-optional use. The rule stands as written. In the areas closed to public nudity, visitor use is concentrated because of available recreation opportunities and facilities. Nudity at such locations creates controversy and conflicts among users. In the interest of maintaining order, the banning of nudity at the identified locations will remain. In other areas, nudity is allowed as long as individuals exercise discretion in this activity.

One family submitted a comment offering general support for the rules in terms of public safety and resource protection. However, they wish to see signs about dangerous conditions posted to warn visitors. They do not want other families to have the same heartbreaking experience of losing a family member that they did. Signing and other actions that will be taken to implement these rules are administrative functions separate from these rules. This comment has been accepted for administrative action, but it is not something that can be acted on under this regulatory authority.

This comment also encouraged the BLM to take another look at the rules that provide for cooperation with other state and federal agencies in protecting persons and resources. In the process of reviewing this comment, the BLM has added another rule to address violations of state resource laws [refer below to the fourth rule under the Property and Resources section that supplements CFR 43 8365.1]. This rule enhances interagency cooperation and eliminates the often-lengthy detention of a violator while awaiting arrival of a state officer.

One commentator wants canoes and kayaks exempt from carrying patching and repair equipment and a spare paddle because some of these craft are decked, making it difficult to carry such items. This suggestion has been considered in this final rulemaking for the river segment between Taos Junction and the Taos County Line. Roads parallel this segment and provide a way for boaters to quit and leave the river in case of equipment malfunction or hypothermia, for example. The final rules have been amended to allow the Authorized Officer to stipulate the appropriate equipment as a condition of issuing a recreation use permit for a particular river segment.

Two commentators feel the proposed rules are imposing a discriminatory limitation by restricting their non-commercial boating access to and from the river to only designated sites, while not restricting other river recreation users to such sites. The commentators feel this access limitation could create an unnecessary safety risk to those individuals who have equipment malfunctions or insufficient skills to boat from one designated site to the next during periods of high water. The commentators were also concerned that designated access points would hinder "location boaters," i.e., those who wish to practice on one feature of the river, rather than run an entire segment. However, the BLM does not prohibit boating visitors from exiting the river for safety or emergency reasons such as equipment malfunction or the onset of hypothermia.

The Area Manager retains the right to regulate public use and access where necessary to protect and enhance the resource values of the river shoreline. Such access limitations may also be modified from time to time as a result of changing resource conditions. Designated access locations and limitations are developed with public input, except when closures or limitations must be put in place because use is causing or will cause considerable adverse effects on resources. This comment, which included a list of desirable access sites, has been forwarded to the Area Manager in the Taos Resource Area for consideration in resource management planning efforts involving use of rivers in the Resource Area.

The rule as written has been determined to be excessively restrictive and has been amended. At this time because of problems with congestion from vehicles and user conflicts, the limitation of boat launching and takeout to designated sites will only apply to the Orilla Verde Recreation Area in the segment of the Rio Grande between Taos Junction and the Taos County Line. The requirement for non-commercial boaters to register for each day or multi-day trip has also been dropped.

A commentator also urges the BLM to restrict the area around Manby Hot Springs to day use. This person, who owns property just above Manby Hot Springs, has been experiencing trespass by overnight campers. The rule prohibiting overnight camping at Manby Hot Springs will not change. Trespassing on private lands is a matter beyond the BLM's jurisdiction; complaints of such activities must be handled by local law enforcement agencies.

The Open Space Committee of Placitas identified lands they wish to have closed to target practice and the discharge of firearms. (Some of those identified lands are not under the jurisdiction of the BLM, so the agency cannot impose its supplementary rules on them.) On those public lands identified by the committee, the proposed prohibition on the discharge of firearms (within 150 yards of dwellings, buildings and occupied areas, or in a manner that exposes a person to injury) remains in the final rules for public health and safety reasons. The specific concern of the committee is being addressed under a separate closure authority in another subpart of the Code of Federal Regulations.

Review of the restriction on the discharge of firearms has resulted in the amendment of the sixth prohibition, rule 2 in the Public Health and Safety section of 8365.1. The phrase "in any manner or place" was stricken from the rules and replaced with "recklessly and carelessly." As the proposed rule was written, it would have made criminal any person who unknowingly caused damage or injury even if s/he took all reasonable precautions.

Another comment brought to our attention was that the original rule did not address the parking of motorcycles at any approved location within a developed recreation site or area. The third rule under the Occupancy and Use section of 8365.2 has been amended to allow for up to five motorcycles to park at any one approved site. Also, the BLM's patrol of the Tent Rocks has brought to our attention the need to apply an additional rule for resource protection. Campfires within this area have created unacceptable resource conditions, so a rule has now been added to prohibit such use.

In consideration of the comments received, the supplementary rules for the Albuquerque District read as follows.

Definitions: As used in these supplementary rules, the term:

- Abandonment* means the voluntary relinquishment of control of property for longer than a period specified with no intent to retain possession.
- Administrative activities* are those activities conducted under the authority of the BLM in accordance with applicable laws, regulations and policies.
- Authorized Officer* means any employee of the BLM who has been delegated the authority to perform the duties discussed in 43 CFR, Part 8360.
- Boat launching/taking out* means the transfer of a boat from or to a vehicle

or trailer, to or from the water to begin or end a floatboat trip.

- Campfire* means a controlled fire occurring outdoors for cooking, branding, personal warmth, lighting, ceremonial or aesthetic purposes.
- Camping* means the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, or the parking of a motor vehicle, motor home or trailer for the apparent purpose of overnight occupancy. Occupying a developed campsite or an approved location within developed recreation areas and sites during the established night period of 10 p.m. to 6 a.m. will be considered overnight camping for fee collection and enforcement purposes.
- Developed recreation sites and areas* are those that contain structures or capital improvements primarily used for recreation purposes by the public. Development may vary from limited improvements for protecting the resources and the safety of users, to distinctly defined sites where developed facilities are provided for concentrated public recreation use. Such sites meet criteria of the Land and Water Conservation Fund Act of 1965 (as amended) for fee collection sites.
- Disorderly conduct* is engaging in fighting; addressing any offensive, derisive, or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed; or making statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action.
- Historic or prehistoric structure or ruin site* is any location that meets the standards for inclusion on the National Register of Historic Places as defined in 36 CFR 60.4, without regard to whether the site has been nominated or accepted.
- Occupancy* means the taking or holding possession of a campsite or residence on public land.
- Pet* means a dog, cat or any animal that has been domesticated.
- Public lands* are any lands, interest in lands, or related waters owned by the United States and administered by the BLM. Related waters are those that lie directly over or adjacent to public lands and that require some management control to protect federally administered resources, or to provide for enhanced visitor safety and other recreation experiences.
- Public nudity* means appearing nude on public lands when such activity is within view of unaffiliated persons. Nudity is defined as the failure to cover the rectal area, pubic area, or genitals. A female is also nude if she fails to cover at least the areola portions of both breasts. Each such covering must be fully opaque. No person under the age of 10 years shall be considered publicly nude.
- Reasonable quantities* are: for piñon nuts, 25 pounds per year; for seeds, 1 cubic foot per year per species; for other edible plants or plant parts, only the amount that can be personally consumed on site; for woody material, only enough to burn in authorized campfires; for plant materials (or plant parts), 1 cubic foot per species per year; and for specimens and samples of rocks and minerals, small amounts of non-renewable resources used for hobby purposes, not to exceed 250 pounds per year and not to include common mineral materials.
- Special Recreation Management Area (SRMA)* means an area where special or more intensive types of resource and user management are needed.
- Stove fire* means a fire built inside an enclosed stove or grill, a portable brazier, or a pressurized liquid or gas stove, including spaceheating devices.
- Vehicle* means any motorized or mechanized device, not including bicycles or wheelchairs, that is propelled or pulled by any living or other energy source, and is capable of travel by any means over ground or water.
- Weapon* means a firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, speargun, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles or projectiles; hand-thrown spear, edged weapon, nun-chuck, club, billy-club, or any device modified for use or designed for use as a striking instrument; to include any weapon the possession of which is prohibited under New Mexico law.

#### Supplementary Rules—All Public Lands

In addition to regulations contained in 43 CFR 8365.1, the following supplementary rules apply to all public lands in the Albuquerque District, including those lands acquired by or conveyed to the BLM, and related waters. Unless authorized by written permission, no person shall:

#### Sanitation

- Construct or maintain any pit toilet facility, other than shallow holes or

trench toilets developed for use by backcountry visitors for stays lasting 14 days or less. All holes, trenches or pits must be a minimum of 100 feet from any permanent water source.

- Dump or dispose of sewage or sewage treatment chemicals from self-contained or containerized toilets except at facilities provided for that purpose.

#### *Occupancy and Use*

- Camp or occupy any site on public lands for a period longer than 14 days within any period of 28 consecutive days. Exceptions, which will be posted, include areas closed to camping and areas or sites with other designated camping stay limits. The 28-day period begins when a camper initially occupies a specific location on public land. The 14-day limit may be reached either through a number of separate visits or through 14 days of continuous occupation. After the 14th day of occupation, campers must move beyond a 25-mile radius from the previous location, and must not return to a location within this radius for 30 days or longer.
- Park any motor vehicle for longer than 30 minutes or camp within 300 yards of any spring, manmade water hole, water well, or watering tank used by wildlife or domestic stock.
- Park or leave a vehicle, or camp at trailheads in violation of posted instructions.
- Dispose of any burning or smoldering material except at sites or facilities provided for that purpose.
- Violate the terms, stipulations, or conditions of any permit or use authorization.
- Fail to show a permit or use authorization to any Bureau of Land Management employee upon request.
- Camp or occupy, or build any fire on or in any historic or prehistoric structure or ruin site.

#### *Vehicles*

- Operate an off-road vehicle without full-time use of an approved spark arrester and muffler.
- Operate, park or leave a motorized vehicle in violation of posted restrictions or in such a manner or location as to:
  1. Create a safety hazard,
  2. Interfere with other authorized users or uses,
  3. Obstruct or impede normal or emergency traffic movement,
  4. Interfere with or impede administrative activities,
  5. Interfere with the parking of other vehicles,
  6. Park more than 300 feet from an existing or designated route, subject to

any superseding requirements for such use along designated or existing routes, or

- Operate a vehicle in violation of state motor vehicle laws or regulations.

#### *Public Health and Safety*

- Possess or use fireworks.
- Sell or make a gift of an alcoholic beverage to a person under 21 years of age.
- Possess an alcoholic beverage if under 21 years of age.
- Ignite or burn any material containing or producing toxic or hazardous material.
- Carry concealed weapons in violation of state law.
- Discharge a firearm or any other implement capable of taking human life, causing injury, or damaging property:
  1. In or within 150 yards of a residence, building, campsite, developed recreation site, or occupied area, or
  2. On, from or across a developed road; from within a fenced right-of-way; within 40 feet of a road if no fence exists; across a body of water adjacent thereto; or recklessly or carelessly; whereby any person or property is exposed to injury or damage as a result of such discharge.
- Conduct themselves in a disorderly fashion.
- Fail to prevent a pet from harassing, molesting, injuring, or killing humans, domesticated animals, wildlife or livestock.
- Failure to comply with all applicable State of New Mexico regulations for boating safety, equipment, and registration.
- Entering a cave without each person wearing a safety helmet (hard hat) with chin strap and carrying at least three sources of light.
- Possess glass containers where prohibited.

#### *Property and Resources*

- Cut, remove, or transport woody materials, including (but not limited to):
  1. Any type or variety of vegetation,
  2. Fuelwood or firewood (either green or standing deadwood), and
  3. Live plants, except as authorized by 43 CFR 8365.1–5 (b) and (c) [which allow the collection of commonly available renewable resources such as flowers, berries, nuts, seeds, cones and leaves; and the collection of forest products for use in campfires on the public lands].
- Remove or transport any mineral resources, including but not limited to rock, sand, gravel, other mineral materials, or decorative landscaping materials on or from public lands

without written consent, proof of purchase, or a valid permit.

- Annoy or disturb bats, raptors, reptiles or other protected species, including nesting sites or areas.
- Violate any state laws or regulations concerning conservation or protection of natural resources or the environment, including but not limited to those resources relating to air and water quality, and the protection of fish, wildlife and plants.

#### *Supplementary Rules—Developed Recreation Sites/Areas, Special Recreation Management Areas*

In addition to the regulations contained in 43 CFR 8356.1, 8365.2 and those listed above, the following rules will be applied in accordance with 43 CFR 8365.2. Unless authorized by written permit, no person shall:

#### *Occupancy and Use*

- Reserve camping space, except at group facilities. Camping space is available on a first-come, first-served basis.
- Camp at one area or site within a developed campground for longer than 7 days in any 28-consecutive-day period unless extended by the authorized officer. After the 7th day, campers must move to a public land site at least 25 miles from the previous location, and must not return to the previous location for 30 days or longer.
- Park more than two 4-wheeled motorized vehicles or five 2- or 3-wheeled motorized vehicles and/or cause an approved site to be used by more than 15 individuals, unless the site is posted otherwise or designated for group use. (Groups exceeding these limits may occupy additional sites and/or additional designated parking areas.)
- Camp or occupy, between 10 pm and 6 am, the Black Rock Spring, County Line, John Dunn Bridge, Lover's Lane, Manby Hot Springs, Quartzite, La Ventana Natural Arch, Tent Rocks, Bluewater Canyon, Cañon Tapia, Guadalupe Ruin and Community, and Ward Ranch Recreation Areas/Sites; Wild Rivers Recreation Area's Bear Crossing and Chawalauna Overlooks; or Orilla Verde Recreation Area's Gauging Station picnic site.
- Engage in noncommercial floatboating without, at a minimum, the following items for each person, boat or group:
  1. An approved U.S. Coast Guard Type I, III or V life preserver for each individual, which must be worn at all times while on the rivers;
  2. A first aid kit for each group; and
  3. Other items that are required to secure a permit for use of a river

segment (including but not limited to fire pans, patching and repair equipment, bailing buckets, extra oars or paddles, air pumps, throw ropes and human waste containers).

- Build, tend, or use a campfire except in a stove, grill, fireplace or ring provided for such purpose in developed recreations areas or sites.

- Build, tend, or use a campfire in the Tent Rocks Recreation Area.

- Ride a horse or bicycle in areas or on trails posted as closed to such use.

- Launch or take out boats, except for emergencies, at any site in the Orilla Verde Recreation Area not designated for such use.

#### *Vehicles*

- Use a motorized craft, including inboard or outboard motors, jet skis, personal watercraft or hovercraft on the Rio Grande Wild and Scenic River, and the Lower Gorge Special Recreation Management area between the County Line Recreation Site and the Velarde Diversion Dam; and on the Rio Chama Wild and Scenic River.

- Operate non-street-legal motorized vehicles within the boundaries of all recreation areas or sites.

- Operate motor vehicles within the Ignacio Chavez Grant or Elk Springs during seasonal closures.

- Operate motor vehicles within the San Ysidro Trails Limited Area except as authorized by special use permit.

- Park a vehicle other than in areas established for such use; or further than 25 feet from designated roads, subject to any superseding requirements of such use along wilderness area boundaries, or to restrictions that may be in place along designated roads.

#### *Property and Resources*

- Cut or gather green trees or their parts, or remove down or standing dead wood for any purpose, including use in campfires.

- Climb or walk on the "Tent Rock Formation" in the Tent Rocks Recreation Area.

- Participate in technical rock climbing within the La Ventana Natural Arch area.

- Use mechanized equipment or create bank disturbance in association with recreational gold panning. (Panning with hand tools below the water line is allowed.)

#### *Public Health, Safety and Comfort*

- Fail to immediately remove, and dispose of in a sanitary manner, all pet fecal material, trash, garbage or waste created.

- Bring a pet on any nature or interpretive trails, caves, and freshwater

springs that are signed as prohibited to pets. Animals trained to assist handicapped persons are exempt from this rule.

- Fail to maintain quiet between the hours of 10 pm to 6 am, or other hours as posted. During this period no person shall create noise that disturbs other visitors.

- Post or distribute any signs, posters, printed material or commercial advertisements without written approval by the Authorized Officer.

- Use, display or carry weapons within developed campsites or picnic areas.

- Bring equine stock, llamas, cattle or other livestock within campgrounds or picnic areas unless facilities have been specifically provided for such use.

- Discharge firearms or other weapons, or hunt or trap within a developed recreation area, or within 1/2 mile of a developed recreation site.

- Be publicly nude at Wild Rivers, Orilla Verde or Santa Cruz Lake Recreation Areas; Lower Gorge Special Recreation Management Area; or John Dunn Bridge Recreation Site.

- Shower or bathe at any improved or developed water source, outdoor hydrant pump, faucet or fountain, or restroom water faucet unless such water source is designated for that purpose.

#### *List of Developed Recreation Sites/ Areas and Special Recreation Management Areas in*

##### *Rio Puerco Resource Area*

###### *1. Tent Rocks*

T. 16 N., R. 5 E., secs. 3, 4, 5

T. 17 N., R. 5 E., secs. 27–34

###### *2. El Malpais National Conservation Area*

###### *a. La Ventana Natural Arch Special Management Area*

T. 8 N., R. 10 W., secs. 33, 34

T. 7 N., R. 10 W., secs. 3, 4

###### *b. South Narrows Recreation Area*

T. 7 N., R. 10 W., sec. 17

###### *c. El Malpais Ranger Station*

T. 9 N., R. 9 W., sec. 32

###### *3. Elk Springs*

T. 18 N., R. 1 W., secs. 1–4

T. 19 N., R. 1 W., secs. 10, 11, 14, 15, 21–

23, 26–29, 33–35

###### *4. Pronoun Cave Complex*

T. 6 N., R. 5 W., secs. 10, 14

###### *5. Guadalupe Ruin and Community*

T. 15 N., R. 3 W., secs. 14, 15, 22, 23

###### *6. Cañon Tapia (applies only to lands within the canyon)*

T. 15 N., R. 3 W., sec. 20, 21, 22, 29, 31

###### *7. Ignacio Chavez Grant*

T. 15 N., R. 3 W.

T. 15 N., R. 4 W.

T. 15 N., R. 5 W.

T. 15 N., R. 6 W.

T. 16 N., R. 4 W., secs. 19, 20, 21, 22, 27,

28, 29, 30

T. 16 N., R. 5 W., secs. 20, 21, 22, 23, 24,

25, 26, 27, 28, 29, 30

T. 16 N., R. 6 W.

###### *8. San Ysidro Trials Area*

T. 15 N., R. 1 E., secs. 3, 4, 9, 10

T. 16 N., R. 1 E.

###### *9. Bluewater Canyon*

###### *a. Canyon Entrance*

T. 12 N., R. 11 W., sec. 5

###### *b. Lands Within Canyon*

T. 12 N., R. 11 W., secs. 5, 6

##### *Taos Resource Area*

###### *1. Lower Gorge Special Recreation Management Area*

T. 26 N., R. 11 E., sec. 31, river section to

T. 23 N., R. 9 E., sec. 34, including:

###### *a. Quartzite Recreation Site*

T. 24 N., R. 11 E., sec. 32

###### *b. County Line Recreation Site*

T. 23 N., R. 11 E., secs. 14, 15

###### *c. Lover's Lane Recreation Site*

T. 23 N., R. 10 E., sec. 20

###### *2. Orilla Verde Recreation Area*

T. 24 N., R. 11 E., secs. 2, 10, 11, 14–16, 20–22, 28, 29

###### *3. Rio Chama Wild and Scenic River*

T. 24 N., R. 2 E., sec. 1; T. 24 N., R. 3 E.,

secs. 5, 6, 8–10, 13–15; T. 25 N., R. 2 E.,

secs. 2, 3, 11, 13, 14, 23, 24, 25, 36; T.

25 N., R. 3 E., sec. 31; T. 26 N., R. 2 E.,

secs. 3, 4, 9, 10, 15, 16, 21, 22, 26, 27,

34; T. 27 N., R. 2 E., secs. 9, 10, 15, 16,

21, 22, 27, 28, 33, 34

###### *a. Ward Ranch Recreation Site*

T. 27 N., R. 2 E., sec. 27

###### *4. Rio Grande Wild and Scenic River*

T. 23 N., R. 10 E., secs. 1, 11–16, 22; T. 23

N., R. 11 E., secs. 5–7; T. 24 N., R. 11

E., secs. 2, 10, 11, 15, 16, 20, 21, 28, 29,

31–33; T. 25 N., R. 11 E., secs. 1, 12, 13,

23–26, 35, 36; T. 26 N., R. 11 E., secs.

1, 12–14, 23–26, 35, 36; T. 27 N., R. 11

E., sec. 36; T. 27 N., R. 12 E., secs. 5, 7,

8, 17–19, 30, 31; T. 28 N., R. 12 E., secs.

5–10, 16–20, 29–30; T. 29 N., R. 12 E.,

secs. 4, 5, 8, 9, 16, 17, 20, 29–32; T. 30

N., R. 12 E., secs. 6, 7, 17–20, 29, 30, 32;

T. 31 N., R. 11 E., secs. 1, 2, 11, 14, 23–

26; T. 31 N., R. 12 E., secs. 30, 31; and

T. 32 N., R. 11 E., secs. 24, 25, 36.

###### *a. John Dunn Bridge Recreation Site*

T. 27 N., R. 12 E., sec. 31

###### *b. Manby Hot Springs Recreation Site*

T. 26 N., R. 11 E., sec. 12

###### *c. Black Rock Spring Recreation Site*

T. 26 N., R. 11 E., sec. 1

###### *5. Santa Cruz Lake Recreation Area*

T. 20 N., R. 10 E., secs. 7, 18

###### *6. Wild Rivers Recreation Area*

T. 29 N., R. 12 E., secs. 16, 17, 20, 29, 31,

32

T. 28 N., R. 12 E., secs. 4, 5, 6, 8, 9, 16,

17

**DATES:** The rules are effective on May 10, 1996.

**ADDRESSES:** Any inquiries or suggestions should be addressed to District Manager, BLM, Albuquerque District Office, 435 Montañito Rd. NE, Albuquerque, New Mexico 87107–4935.

**FOR FURTHER INFORMATION CONTACT:** John Bristol, Resource Program Manager, BLM, Albuquerque District Office, 435 Montañito Rd. NE, Albuquerque, New Mexico 87107–4935, Telephone (505)761–8755.

**SUPPLEMENTARY INFORMATION:** The New Mexico State Director is establishing these supplementary rules for the Albuquerque District, which are needed to protect persons, property and public lands and resources currently under the BLM's administration. These rules also apply to those lands acquired for inclusion within the administrative jurisdiction of the BLM, as provided for in 43 CFR 8365.1-6. These supplementary rules apply to all persons using public lands. Violations of these rules are punishable by a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months.

Exceptions to these supplementary rules may be allowed by the Authorized Officer under the limits and restrictions of applicable federal and state laws. People granted use exemptions must possess written authorization from the BLM office that has jurisdiction over the area. Users must further comply with the zoning and permitting rules or regulatory requirements of other agencies, where these apply.

So the BLM Albuquerque District can implement these final rules before the beginning of the 1996 summer use season, which starts on Memorial Day weekend, they must be effective on the date of publication. In accordance with the Administrative Procedure Act (5 U.S.C. 531 *et seq.*), the BLM has determined that delaying implementation of these rules for 30 days could impair the protection of persons, property and public lands and resources under the agency's administration. The 30-day delay would be contrary to the public interest and the intended purpose of the rules. The BLM has given interested parties an opportunity to participate in the rulemaking, and has considered public comments in preparing the final rules. Therefore, under the "good cause" exception of the Administrative Procedure Act (5 U.S.C. 553(d)(3)) and as discussed above, the BLM has determined that these final rules are excepted from the 30-day delay of their effective date, and are effective on May 10, 1996.

Dated: April 24, 1996.

Lynn Engdahl,

*Acting State Director, New Mexico.*

[FR Doc. 96-10984 Filed 5-9-96; 8:45 am]

BILLING CODE 4210-29-P

[CA-019-96-1220-24-1A]

**Availability of Final Clear Creek Management Area Resource Management Plan Amendment and Environmental Impact Statement**

**AGENCY:** Bureau of Land Management, Department of the Interior.

**ACTION:** Notice of Availability.

**SUMMARY:** Pursuant to 40 CFR 1501.7 and 43 CFR 1610.2(c), a final Resource Management Plan Amendment/Environmental Impact Statement (RMP Amendment/EIS) has been prepared by the Hollister Resource Area. The final RMP Amendment/EIS describes and analyzes alternative management scenarios for about 50,000 acres of public lands in the Clear Creek Management Area. These lands are located in south San Benito County in central California.

Decisions relating to the management of the Clear Creek Management Area generated by this planning process will supersede those currently in the Hollister RMP. Copies of the final RMP Amendment/EIS can be obtained or reviewed at the Hollister Resource Area Office, 20 Hamilton Court, Hollister, CA 95023. Since the number of copies available is limited, the Hollister Office has also mailed copies to 27 public libraries in the following locations: Antioch, Fresno, Davis, Gilroy, Fairfield, Hanford, Hayward, Livermore, Madera, Menlo Park, Modesto, Monterey, Oroville, Sacramento, San Francisco, San Jose, San Mateo, San Rafael, Santa Clara, Santa Cruz, Seaside, Sunnyvale, Tracy, Vallejo, Visalia and Yuba City. Public review copies are also available at:

- (1) California State Office, 2800 Cottage Way, Sacramento, CA 95825
- (2) Bakersfield District Office, 3801 Pegasus Avenue, Bakersfield, CA 93308

Background information and maps used in developing the final RMP Amendment and EIS can be reviewed at the Hollister Resource Area Office.

**DATES:** The public protest period will run for 30 days after the Environmental Protection Agency (EPA) publishes its notice of availability of this EIS. The publishing date will most likely be May 3, 1996. The public should confirm this date and the end of the protest period by reviewing the EPA Federal Register notice. Protests must be postmarked within 30 days after the EPA has published its notice of availability. Protests must minimally contain the following information: (1) the name, mailing address, telephone number, and interest of the person filing the protest;

(2) a statement of the issue or issues being protested; (3) a statement of the part or parts being protested, citing pages, paragraphs, maps, etc. of the RMP Amendment where practical; (4) a copy of all documents addressing the issue(s) for the record; (5) a concise statement of why you believe the BLM State Director's decision is incorrect.

**ADDRESSES:** Protests should be addressed to: Bureau of Land Management, Division of Planning and Environmental Coordination, 1849 "C" Street NW, Washington, D.C. 20240.

**SUPPLEMENTARY INFORMATION:** The following issues were analyzed and addressed during this planning process: Airborne asbestos emissions, public health risks to environmental asbestos exposure; watershed and riparian resources, endangered and other special status plants and animals, and recreational use. A draft EIS was issued in November of 1993. Six alternatives for management were reviewed in the draft. Alternative 4 of the Draft EIS, which proposed limiting motorcycle use to the Clear Creek watershed while allowing dispersed 4-wheel drive vehicle use in the backcountry, was the BLM proposed alternative. The San Benito Mountain Natural Area was to be expanded to 4,082 acres. Camping would have been eliminated inside the asbestos zone, with the exception of the staging areas. A public wash rack would be constructed, and dust-suppression would be implemented over about 30 miles of main routes. Approximately fifty San Benito evening primrose habitat areas would be protected.

Over 600 comment letters were received from the public and affected agencies. During review of these comments and after reanalysis of Alternative #4, the BLM made several revisions which are published in the Final EIS. Additional impact analysis was incorporated in the biological resource sections. Text in the watershed and soils, human health and recreation sections was modified, expanded and clarified. Additional measures common to all alternatives were drafted, covering education, research, and adherence to best management guidelines for projects affecting watershed stability. Under all alternatives, the 16 known populations of San Benito evening primrose on public land would be protected.

Five of the six alternatives remained unchanged, and one was changed. Alternative 1 remained the "No Action" alternative, whereby management would remain at current levels. Fifteen San Benito evening primrose habitat areas would be protected. Alternative 2 (entitled "Continued Implementation of