

the BLM. Mechanical stoves or other appliances fueled by gas and equipped with a valve that allows the operator to control the flame are exempt from this rule.

2. You must not start or maintain a fire in sites or areas not designated as open for such use by a BLM sign or map. Mechanical stoves or other appliances fueled by gas and equipped with a valve that allows the operator to control the flame are exempt from this rule.

3. You must not cut, collect, or use live, dead, or down wood except in areas designated as open to such use by a BLM sign or map.

4. You must not operate or be in possession of an off-road vehicle or mechanized vehicle on any road which is not designated as open to such use by a BLM sign or map.

5. You must not operate or be in possession of an off-road vehicle or mechanized vehicle on any trail which is not designated as open to such use by a BLM sign or map.

6. You must not ride or be in possession of horses or other pack animals on any trail which is not designated as open to such use by a BLM sign or map.

7. Where pedestrian travel is restricted to a designated trail or route, you must not travel cross-country off the designated trail or route.

8. You must not discharge a firearm or other projectile shooting device of any kind, including those used for target shooting or paintball, where a BLM sign or map indicates a no-shooting area. Licensed hunters in pursuit of game during a legal hunting season with appropriate firearms, as defined by the Colorado Division of Wildlife, are exempt from this rule.

9. You must not enter or remain in a designated day-use area after sunset or before sunrise. Licensed hunters in pursuit of game during the proper season, as defined by the Colorado Division of Wildlife, are exempt from this rule.

10. You must not enter an area that is designated as closed by a BLM sign or map.

11. You must not camp in sites or areas not designated as open to camping by a BLM sign or map.

12. You must not burn wood or other material containing nails, glass, or any metal.

13. You must not park a vehicle in areas not designated for parking by a BLM sign or map.

14. You must not bring any dog into the NFDMA that is not controlled by visual, audible, or physical means.

15. You must remove and properly dispose of solid dog waste as indicated by a BLM sign or map.

16. You must properly dispose of solid human waste as indicated by a BLM sign or map.

17. You must not operate or be in possession of an off-road vehicle that produces sound exceeding 96 decibels.

#### Exemptions

The following persons are exempt from these supplementary rules: Any Federal, state, local, and/or military persons acting within the scope of their official duties; members of any organized rescue or fire-fighting force in performance of an official duty; and persons, agencies, municipalities, or companies holding an existing special-use permit inside the NFDMA and operating within the scope of their permit.

#### Penalties

Under the Taylor Grazing Act of 1934, 43 U.S.C. 315a, any willful violation of these supplementary rules on public lands within a grazing district shall be punishable by a fine of not more than \$500.

Under section 303(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1733(a) and 43 CFR 8360.0-7, any person who knowingly and willfully violates any of these supplementary rules on public lands within the NFDMA may be tried before a United States Magistrate and fined no more than \$1,000, imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

**Helen M. Hankins,**  
State Director.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCON03000-L12200000-PA0000]

#### Notice of Final Supplementary Rules for Public Lands in Colorado: Bangs Canyon Special Recreation Management Area

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

**ACTION:** Notice of final supplementary rules.

**SUMMARY:** The Bureau of Land Management (BLM) Grand Junction Field Office (GJFO) is implementing supplementary rules to regulate conduct

on public lands within Bangs Canyon Special Recreation Management Area (BCSRMA). These supplementary rules are needed to implement decisions found in the 1999 Bangs Canyon Special Recreation Management Area Management Plan (BCSRMAMP) and the Grand Junction Resource Management Plan (GJRMP). These rules are needed to protect natural resources located within the BCSRMA and provide for public health and safety.

**DATES:** *Effective Date:* These rules are effective December 12, 2011.

**ADDRESSES:** You may send inquiries to the Bureau of Land Management, Grand Junction Field Office, 2815 H Road, Grand Junction, Colorado 81506, or e-mail comments to [gjfo\\_webmail@blm.gov](mailto:gjfo_webmail@blm.gov), Attn: "Bangs Canyon."

**FOR FURTHER INFORMATION CONTACT:** Bryce Stewart, Ranger, Bureau of Land Management, Grand Junction Field Office, at the address listed above or by telephone at (970) 244-3070.

#### SUPPLEMENTARY INFORMATION:

- I. Authority
- II. Background
- III. Discussion of Public Comments
- IV. Procedural Matters
- V. Final Supplemental Rules

#### I. Authority

43 U.S.C. 1740, 43 U.S.C. 315a, and 43 CFR 8365.1-6

#### II. Background

Recreation resource management decisions for the GJFO were detailed in the GJRMP in 1987. The Grand Valley, including the Bangs Canyon area, was designated as an Intensive Recreation Management Area (IRMA) in the GJRMP. The plan recommended additional planning for the IRMA due to its distinguishing characteristics and significant recreation opportunities. The BCSRMAP was approved in 1999 and the subsequent BCSRMA implementation plan and environmental assessment (EA) were approved in 2006, fulfilling the GJFO obligation to complete site-specific plans for this area. The BCSRMAP establishes management objectives and identifies management strategies to achieve those objectives while the BCSRMA implementation plan provides site-specific direction and analysis of management actions. The final rules are consistent with the BLM's National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands (2001). The BLM has added definitions to the final rule to clarify the meaning of camping, day-use areas, designated trails, firearms, vehicles, mechanized

vehicles, off-road vehicles, and Special Recreation Management Areas. The BLM revised proposed rule number 8 to clarify allowable uses on roads and trails. The proposed rule was broken into four separate rules for clarification. The BLM revised proposed rule 17 to clarify access to day-use areas for hunting. Possession of an off-road vehicle was inadvertently left out of proposed rule numbers 6, 10, and 11 and was added in the final rule for consistency with rule numbers 7 and 8. The BLM also clarified penalties under the Taylor Grazing Act of 1934. Otherwise, with the exception of minor non-substantive grammatical and formatting changes, the final rules remain as proposed.

### III. Discussion of Public Comments

The BLM proposed these supplementary rules in the **Federal Register** (74 FR 36506) on July 23, 2009. Public comments were accepted for a period of 60 days ending on September 21, 2009. The BLM received one comment from the Colorado Division of Wildlife (CDOW). The CDOW asked the BLM to consider revising proposed supplementary rule 17, which addresses areas designated as "day-use only." The CDOW noted that CDOW Rule 202(A) provides "Big game may be taken from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset." The BLM agrees with this comment and has made changes in final rule number 18.

### IV. Procedural Matters

#### *Executive Order 12866, Regulatory Planning and Review*

These supplementary rules are not significant regulatory actions and are not subject to review by the Office of Management and Budget under Executive Order 12866. These supplementary rules will not have an annual effect of \$100 million or more on the economy. They will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities. These supplementary rules will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The supplementary rules do not materially alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients, nor do they raise novel legal or policy issues. These supplementary rules merely establish rules of conduct for public use of a limited area of public lands.

#### *Clarity of the Regulations*

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. The BLM invites public comments on how to make these supplementary rules easier to understand, including answers to questions such as the following:

1. Are the requirements in the supplementary rules clearly stated?
2. Do the supplementary rules contain technical language or jargon that interferes with their clarity?
3. Does the format of the supplementary rules (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce clarity?
4. Is the description of the supplementary rules in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful in understanding the supplementary rules? How could this description be more helpful in making the supplementary rules easier to understand?

Please send any comments you have on the clarity of the rules to the address specified in the **ADDRESSES** section.

#### *National Environmental Policy Act (NEPA)*

Between 1995 and 1999, the Bangs Canyon Citizens Advisory Group formed and convened a series of public meetings, working group meetings, and field trips to accomplish additional planning outlined in the GJRM, eventually developing recommendations on how the Bangs Canyon area should be managed. These recommendations were endorsed by the Northwest Resource Advisory Council and compiled into a non-NEPA document known as the BCSRMAMP. In December 2003, environmental assessment CO-130-04-018-EA was initiated to provide the environmental analysis necessary to implement these recommendations, and a Decision Record (DR) was signed in 2006. These supplementary rules would allow the BLM to implement the measures approved in the 2006 DR by allowing the BLM to enforce decisions developed to protect public health and safety and improve the protection of recreational and public lands resources. These rules do not change any of the NEPA analysis or recommendations from the DR signed in 2006. These rules are established for the purpose of enforcing the actions and protecting the resources identified in CO-130-04-018-EA.

The BLM reviewed CO-130-04-018-EA and found that the supplementary rules do not constitute a major Federal action significantly affecting the quality of the human environment under

Section 102(2)(C) of NEPA, 42 U.S.C. 4332(2)(C). The DR and Finding of No Significant Impact (FONSI) were signed on April 5, 2006 (CO-130-04-018-EA, p. 11). The BLM placed the EA, DR and FONSI on file in the BLM Administrative Record, and invites the public to review these documents at the address specified in the **ADDRESSES** section.

#### *Regulatory Flexibility Act*

Congress enacted the Regulatory Flexibility Act (RFA) of 1980, as amended (5 U.S.C. 601-612), to ensure that government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. These supplementary rules merely establish rules of conduct for public use of a limited area of public lands. Therefore, the BLM has determined under the RFA that these supplementary rules would not have a significant economic impact on a substantial number of small entities.

#### *Small Business Regulatory Enforcement Fairness Act*

These supplementary rules are not considered a "major rule" as defined under 5 U.S.C. 804(2). The supplementary rules merely establish rules of conduct for public use of a limited area of public lands.

#### *Unfunded Mandates Reform Act*

These supplementary rules do not impose an unfunded mandate on state, local, or tribal governments in the aggregate, or the private sector, of more than \$100 million per year; nor do they have a significant or unique effect on small governments. The rules have no effect on governmental or tribal entities and would impose no requirements on any of these entities. The supplementary rules merely establish rules of conduct for public use of a limited area of public lands. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

#### *Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)*

These supplementary rules do not have significant takings implications, nor are they capable of interfering with Constitutionally-protected property rights. The supplementary rules merely establish rules of conduct for public use

of a limited area of public lands. Therefore, the Department of the Interior has determined that these rules will not cause a "taking" of private property or require preparation of a Takings Assessment under this Executive Order.

#### *Executive Order 13132, Federalism*

These supplementary rules will not have a substantial direct effect on the states, the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of government. These supplementary rules do not come into conflict with any state law or regulation. Therefore, in accordance with Executive Order 13132, the BLM has determined that these supplementary rules do not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

#### *Executive Order 12988, Civil Justice Reform*

Under Executive Order 12988, the BLM has determined that these rules will not unduly burden the judicial system and that they meet the requirements of Sections 3(a) and 3(b)(2) of Executive Order 12988.

#### *Executive Order 13175, Consultation and Coordination With Indian Tribal Governments*

In accordance with Executive Order 13175, the BLM has found that these supplementary rules do not include policies that have tribal implications. The supplementary rules merely establish rules of conduct for public use of a limited area of public land and do not affect land held for the benefit of Indians or Alaska Natives or impede their rights.

#### *Paperwork Reduction Act*

These final supplementary rules do not directly provide for any information collection that the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Any information collection that may result from Federal criminal investigations or prosecutions conducted under these supplementary rules is exempt from the provisions of the Paperwork Reduction Act of 1995, as provided at 44 U.S.C. 3518(c)(1).

#### *Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

Under Executive Order 13211, the BLM has determined that these supplementary rules are not a

significant energy action, and that they would not have an adverse effect on energy supplies, production, or consumption.

#### **V. Final Supplementary Rules**

##### *Author*

The principal author of these supplementary rules is Eric Boik, Field Staff Ranger, Bureau of Land Management, Grand Junction Field Office, 2815 H Road, Grand Junction, Colorado 81506.

For the reasons stated in the preamble, and under the authorities for supplementary rules found at 43 U.S.C. 1740, 43 U.S.C. 315a, and 43 CFR 8365.1–6, the Colorado State Director issues these final supplementary rules for public lands within the BCSRMA, Colorado, to read as follows:

#### **Supplementary Rules for Bangs Canyon Special Recreation Management Area**

##### *Definitions*

*Camping* means the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy.

*Day-Use Area* means any area open for public access during daylight hours, between sunrise and sunset, or where specific hours of operation have been identified. Overnight use in these areas is specifically prohibited.

*Designated Trail* means a trail developed, maintained, and explicitly identified for public use by the BLM. All designated trails will be identified by a combination of trailhead maps and on-site signage listing allowable uses.

*Firearm or Other Projectile Shooting Device* means all firearms, air rifles, pellet and BB guns, spring guns, bows and arrows, slings, paint ball markers, other instruments that can propel a projectile (such as a bullet, dart, or pellet) by combustion, air pressure, gas pressure, or other means, or any instrument that can fire blank cartridges.

*Mechanized Vehicle* means mechanical transport by means of any vehicle, device, or contrivance for moving people or material in or over land, water, snow, or air that has moving parts. This includes but is not limited to sailboats, sailboards, hang gliders, parachutes, bicycles, game carriers, carts, or wagons. The term does not include wheelchairs, nor does it include horses or other pack stock, skis, snowshoes, non-motorized river craft including, but not limited to, drift boats, rafts, and canoes, or sleds, travois, or

similar devices without moving parts. (See 43 CFR 6301.5)

*Off-road Vehicle* means any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain excluding:

- (1) Any non-amphibious registered motorboat;
- (2) Any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes;
- (3) Any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved;
- (4) Vehicle in official use; and
- (5) Any combat or combat support vehicle when used in times of national defense emergencies. (See 43 CFR 8340.0–5)

*Special Recreation Management Area* means an administrative unit where the existing or proposed recreation opportunities and recreation setting characteristics are recognized for their unique value, importance, and/or distinctiveness, especially as compared to other areas used for recreation.

*Vehicle* means every device in, upon, or by which a person or property is or may be transported from one place to another.

##### *Prohibited Acts*

Unless otherwise authorized, the following acts are prohibited on public lands within the BCSRMA:

1. You must not start or maintain a fire in sites or areas not designated as open for such use by a BLM sign or map. Mechanical stoves or other appliances fueled by gas and equipped with a valve that allows the operator to control the flame are exempt from this rule.
2. You must not start or maintain a fire outside of a metal fire ring at sites or areas where fire rings are provided by the BLM. Mechanical stoves or appliances fueled by gas and equipped with a valve that allows the operator to control the flame are exempt from this rule.
3. You must not cut, collect, or use live, dead, or down wood except in areas designated as open to such use by a BLM sign or map.
4. You must not camp in sites or areas not designated as open to camping by a BLM sign or map.
5. You must properly dispose of solid human waste as indicated by a BLM sign or map.
6. You must not operate or be in possession of an off-road vehicle or mechanized vehicle on any road which is not designated as open to such use by a BLM sign or map.
7. You must not operate or be in possession of an off-road vehicle or

mechanized vehicle on any trail which is not designated as open to such use by a BLM sign or map.

8. You must not ride or be in possession of horses or other pack animals on any trail which is not designated as open to such use by a BLM sign or map.

9. Where pedestrian travel is restricted to a designated trail or route, you must not travel cross-country off the designated trail or route.

10. You must not operate or be in possession of an off-road vehicle or mechanized vehicle in violation of vehicle width and/or vehicle type restrictions as indicated by a BLM sign or map.

11. You must not operate or be in possession of an off-road vehicle that produces sound exceeding 96 decibels.

12. You must not discharge a firearm or other projectile shooting device of any kind, including those used for target shooting or paintball, where a BLM sign or map indicates a no-shooting area. Licensed hunters in pursuit of game during a legal hunting season with appropriate firearms, as defined by the Colorado Division of Wildlife, are exempt from this rule.

13. You must not enter an area that is designated as closed by a BLM sign or map.

14. You must remove and properly dispose of solid dog waste as indicated by a BLM sign or map.

15. You must not bring any dog into the BCSRMA that is not controlled by visual, audible, or physical means.

16. You must not park a vehicle in areas not designated for parking by a BLM sign or map.

17. You must not burn wood or other material containing nails, glass, or any metal.

18. You must not enter or remain in a designated day-use area after sunset or before sunrise. Licensed hunters in pursuit of game during a legal hunting season, as defined by the Colorado Division of Wildlife, are exempt from this rule.

#### Exemptions

The following persons are exempt from these supplementary rules: any Federal, state, local, and/or military persons acting within the scope of their official duties; members of any organized rescue or fire-fighting force in the performance of an official duty; and persons, agencies, municipalities, or companies holding an existing special-use permit inside the BCSRMA and operating within the scope of their permit.

#### Penalties

Under the Taylor Grazing Act of 1934, 43 U.S.C. 315a, any willful violation of these supplementary rules on public lands within a grazing district shall be punishable by a fine of not more than \$500.

Under Section 303(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1733(a) and 43 CFR 8360.0-7, any person who knowingly and willfully violates any of these supplementary rules on public lands within the BCSRMA may be tried before a United States Magistrate and fined no more than \$1,000, imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

**Helen M. Hankins,**  
State Director.

[FR Doc. 2011-26186 Filed 10-7-11; 8:45 am]

**BILLING CODE 4310-JB-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCON01000 L12200000.PN0000]

#### Notice of Final Supplementary Rules for Public Lands in Routt County, CO: Emerald Mountain Special Recreation Management Area

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

**ACTION:** Notice of Final Supplementary Rules.

**SUMMARY:** The Bureau of Land Management (BLM) Little Snake Field Office is issuing final supplementary rules to regulate conduct on specific public lands within Routt County, Colorado. The rules apply to the Emerald Mountain Special Recreation Management Area (SRMA), also known as Emerald Mountain. The BLM determined these rules are necessary to protect Emerald Mountain's natural resources and provide for public health and safety.

**DATES:** These rules are effective November 10, 2011.

**ADDRESSES:** You may submit inquiries by the following methods: Mail or hand-delivery: BLM, Little Snake Field Office, 455 Emerson Street, Craig, Colorado 81625.

**FOR FURTHER INFORMATION CONTACT:** Gina Robison, Outdoor Recreation Planner, BLM Little Snake Field Office (see **ADDRESSES** listed above); or by phone at (970) 826-5000. Persons who use a telecommunications device for the deaf

(TDD) may call the Federal Information Relay Service (FIRS) at (800) 877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Public Comments and Final Supplementary Rules
- III. Procedural Matters
- IV. Final Supplementary Rules

#### I. Background

Prior to the BLM's ownership on February 22, 2007, the Emerald Mountain parcel was owned by the Colorado State Land Board and closed to the general public with the exception of permitted agriculture and hunting. Since 2007 the area has been managed as a day use area and has remained closed to motorized vehicle use. A wide variety of recreational uses are allowed and occur on the parcel including biking, hiking, hunting, horseback riding, sightseeing, and wildlife viewing. This wide variety of use has resulted in user conflicts and the need for additional management actions to address user conflicts, impacts to natural resources, and public safety concerns.

Emerald Mountain is a 4,139-acre parcel of public land in Routt County, Colorado. The parcel is surrounded by private land, a Colorado Division of Wildlife State Wildlife Area and property owned by the Colorado State Land Board. Cow Creek Road (Routt County Road 45) provides legal public access to Emerald Mountain.

These final supplementary rules would apply to Emerald Mountain SRMA, identified as follows:

#### Routt County, Colorado

*Sixth Principal Meridian*

T. 6 N., R. 85 W.,

Secs. 13, 15, 22, 23, 24, 25, 26, 27, 34, 35, and portions thereof.

A map of the area is available at the Little Snake Field Office.

Emerald Mountain is managed as an SRMA with two adjoining Recreation Management Zones. Zone 1 is managed under a destination recreation-tourism market strategy. The strategy targets Steamboat Springs-area visitors, including local residents, wanting to participate in strenuous and challenging mountain biking and Nordic skiing on primitive trails that are close to the town. Zone 2 is managed under a community recreation market strategy, primarily for Steamboat Springs area