

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****43 CFR Part 8360**[LLCAC09400 L19200000.NU0000  
XXXL1109RM LRORBX619900]**Proposed Supplementary Rules for  
Fort Ord National Monument,  
California****AGENCY:** Bureau of Land Management,  
Interior.**ACTION:** Notice of proposed  
supplementary rules.**SUMMARY:** The California State Director  
of the Bureau of Land Management  
(BLM) is proposing to establish new  
supplementary rules related to dog  
management and public safety on public  
lands at Fort Ord National Monument  
(FONM), California.Furthermore, these proposed rules  
would clarify some of the existing  
restrictions that have been in place on  
the FONM since 1996. These proposed  
rules are consistent with the national  
monument proclamation of 2012 (*i.e.*,  
Proclamation 8803), and the BLM's 2007  
Resource Management Plan.**DATES:** Interested parties may submit  
written comments regarding the  
proposed supplementary rules until  
January 3, 2017.**ADDRESSES:** You may submit comments  
by mail, hand-delivery, or electronic  
mail. Mail: FONM Manager, BLM,  
Central Coast Field Office, 940 2nd  
Avenue, Marina, CA 93933. *Electronic  
mail: blm\_ca\_fonm\_dog\_mgt\_plan@  
blm.gov.***FOR FURTHER INFORMATION CONTACT:** Eric  
Morgan, FONM Manager, Bureau of  
Land Management, Central Coast Field  
Office, 940 2nd Avenue, Marina, CA  
93933, at (831) 582-2200, or *emorgan@  
blm.gov.* Persons who use a  
telecommunications device for the deaf  
may call the Federal Relay Service at 1-  
800-877-8339 to contact the above  
individual during normal business  
hours. The Service is available 24 hours  
a day, seven 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. Public Comment Procedures**You may mail or email comments to  
the Central Coast Field Office, at the  
addresses listed above (See **ADDRESSES**).  
Written comments on the proposed  
supplementary rules should be specific  
and confined to issues pertinent to the  
proposed rules, and should explain thereason for any recommended change.  
Where possible, comments should  
reference the specific section or  
paragraph of the proposal that the  
commenter is addressing. The BLM is  
not obligated to consider or include, in  
the Administrative Record for the final  
supplementary rules, comments  
delivered to an address other than those  
listed above (See **ADDRESSES**) or  
comments that the BLM receives after  
the close of the comment period (See  
**DATES**), unless they are postmarked or  
electronically dated before the deadline.Comments, including names, street  
addresses, and other contact  
information for respondents, will be  
available for public review at 940 2nd  
Avenue, Marina, CA 93933, during  
regular business hours (7:30 a.m. to 4  
p.m., Monday through Friday, excluding  
Federal holidays). Before including your  
address, phone number, email address,  
or other personal identifying  
information in your comment, you  
should be aware that your comment—  
including your personal identifying  
information—may be made publicly  
available at any time. While you can ask  
us in your comment to withhold your  
personal identifying information from  
public review, we cannot guarantee that  
we will be able to do so.**II. Background**The BLM California State Director is  
proposing to establish new  
supplementary rules related to dog  
management and other public safety  
issues for public lands on the FONM in  
Monterey County, California.  
Furthermore, the State Director is  
supplementing some of the existing land  
restrictions that have been in place on  
the monument since December 5, 1996  
(61 FR 64530), that are consistent with  
the national monument proclamation of  
2012 (*i.e.*, Proclamation 8803), and the  
BLM's 2007 Resource Management Plan.  
The proposed supplementary rules are  
necessary to support the mission of the  
BLM by protecting the natural resources  
and enhancing the health and safety of  
those using and enjoying the public  
lands.These proposed rules would  
implement restrictions prescribed  
within the FONM Dog Management  
Plan that was approved on July 5, 2016.  
The plan was analyzed under  
environmental assessment DOI-BLM-  
CA-C090-2016-0021-EA (Fort Ord  
National Monument Dog Management  
Plan), and associated Decision Record  
and Finding of No Significant Impact.  
The plan considered various dog  
management prescriptions across the  
monument within four different  
planning units. One of the planningunits, the Inland Range Planning Unit,  
contains extremely hazardous military  
munitions and public use opportunities  
are greatly limited.**III. Discussion of Proposed  
Supplementary Rules**When the former Fort Ord military  
installation closed in 1994, the  
Secretary of the Army transferred  
administration of approximately 7,205  
acres to the BLM via a letter of transfer  
to the Secretary of Interior on October  
18, 1996. Those lands are now part of  
the 14,651 acre FONM that was  
designated by President Obama under  
Proclamation 8803. The Army currently  
manages approximately 7,446 acres of  
the FONM and will transfer those lands  
to the BLM for administration following  
a munitions cleanup being performed  
under the Comprehensive  
Environmental Response,  
Compensation, and Liability Act.The BLM issued a notice of  
emergency closure and established  
restrictions on use of public lands on  
the former Fort Ord on December 5,  
1996 (61 FR 64530). Since that time, the  
BLM has applied those restrictions as  
they pertain to public use, but those  
restrictions did not address management  
of dogs on these public lands. On  
September 7, 2007, the BLM State  
Director approved a Record of Decision  
for the Southern Diablo Mountain Range  
and Central Coast of California Resource  
Management Plan (RMP) that directed  
the BLM's Central Coast Field Office to  
develop a dog management plan for  
FONM due to conflicts between visitors,  
attacks on livestock, and impacts to  
wildlife. On April 8, 2015, the BLM  
notified the public of its intent to  
develop a dog management plan and,  
using the 1996 emergency closure,  
initiated an interim dog leash restriction  
on public lands at FONM due to  
increasing conflicts between visitors,  
attacks on livestock, hazards from  
munitions, and impacts to wildlife. The  
BLM held three public scoping  
workshops (July 28 and 29, 2015, and  
August 5, 2015) to solicit public input  
on the development of the draft dog  
management plan. The proposed  
supplementary rules are the logical  
conclusion of the dog management  
planning process.On May 17, 2016, the BLM released  
the Draft FONM Dog Management Plan  
and associated environmental  
assessment (DOI-BLM-CA-C090-2016-  
0021-EA) for a 30 day comment period.  
The proposed supplementary rules were  
included with the draft plan and were  
analyzed within the environmental  
assessment. One comment was made on  
the proposed supplementary rules that

resulted in a minor editorial change regarding the definition of “yield” as is described in the proposed rule text.

On July 5, 2016 the BLM approved the Final FONM Dog Management Plan and associated environmental assessment (DOI-BLM-CA-C090-2016-0021-EA). The proposed supplementary rules (when approved) will supplement some of the December 1996 restrictions and April 2015 restrictions under 43 CFR 8364.1 and 43 CFR 8341.2 and enact new rules that are specified in the Final FONM Dog Management Plan. The proposed supplementary rules also would implement existing Monterey County ordinances germane to dog use under 43 CFR 8365.1-6, 43 U.S.C. 1733(a), 16 U.S.C. 670h(c)(5), and 43 U.S.C. 315a that were disclosed and analyzed within the approved plan.

The proposed supplementary rules are broken into three categories. Proposed supplementary rules numbered 1 through 9 are new and would implement new direction from the approved dog management plan. Proposed supplementary rules 10 through 15 are not new, but would implement previous restrictions that were established in 1996 (see 61 FR 64530) and that are consistent with the national monument proclamation of 2012 (*i.e.* Proclamation 8803), and the BLM 2007 Resource Management Plan. Finally, proposed supplementary rules 16 and 17 are existing Monterey County ordinances that the BLM proposes to adopt as supplementary rules in order to facilitate cooperation between BLM rangers and local law enforcement officials.

#### IV. Procedural Matters

##### *Regulatory Planning and Review (Executive Orders 12866 and 13563)*

The proposed supplementary rules are not a significant regulatory action and are not subject to review by the Office of Management and Budget under Executive Orders 12866 and 13563. They would not have an effect of \$100 million or more on the economy. The proposed supplementary rules would not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health and safety, or State, local, or tribal governments or communities. The proposed supplementary rules would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The proposed supplementary rules would not 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. They would merely impose rules of conduct and impose other limitations on certain recreational and commercial activities on certain public lands to protect natural resources and human health and safety.

##### Clarity of the Supplementary Rules

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. The BLM invites your comments on how to make these proposed 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) Would the supplementary rules be easier to understand if they were divided into more (but shorter) sections?
- (5) 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 rule to the addresses specified in the **ADDRESSES** section.

##### National Environmental Policy Act

The BLM has prepared an environmental assessment (EA) that analyzed different dog management alternatives on FONM under Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). On July 5, 2016, the BLM approved the Final FONM Dog Management Plan and associated environmental assessment (DOI-BLM-CA-C090-2016-0021-EA). The proposed supplementary rules are also consistent with the Record of Decision for the Southern Diablo Mountain Range and Central Coast of California RMP approved in 2007.

##### 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. The proposed supplementary rules would merely impose reasonable restrictions on certain recreational or commercial activities on public lands in order to protect natural resources and the environment, and provide for human health and safety. Therefore, the BLM has determined under the RFA that the proposed supplementary rules would not have a significant economic impact on a substantial number of small entities.

##### Small Business Regulatory Enforcement Fairness Act

The proposed supplementary rules are not a “major rule” as defined under 5 U.S.C. 804(2). The proposed supplementary rules would merely revise the rules of conduct for public use of limited areas of public lands and would not affect commercial or business activities of any kind.

##### Unfunded Mandates Reform Act

The proposed supplementary rules would not impose an unfunded mandate of more than \$100 million per year; on State, local, or tribal governments in the aggregate; or on the private sector; nor would they have a significant or unique effect on small governments. The proposed supplementary rules would have no effect on governmental or tribal entities and would impose no requirements on any of these entities. The proposed supplementary rules would merely revise the rules of conduct for public use of limited areas of public lands and would not affect tribal, commercial, or business activities of any kind. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act at 2 U.S.C. 1531.

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

The proposed supplementary rules do not represent a government action capable of interfering with constitutionally protected property rights. Therefore, the BLM has determined that the proposed supplementary rules would not cause a taking of private property or require further discussion of takings implications under this Executive order.

##### Executive Order 13132, Federalism

The proposed supplementary rules would not have a substantial direct effect on the States, on the relationship between the National Government and

the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, the BLM has determined that the proposed supplementary rules would 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 the proposed supplementary rules would 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 the proposed supplementary rules do not include policies that would have tribal implications. The proposed supplementary rules would merely revise the rules of conduct for public use of limited areas of public lands.

#### Executive Order 13352, Facilitation of Cooperative Conservation

In accordance with Executive Order 13352, the BLM has determined that these proposed consolidated supplementary rules would not impede facilitating cooperative conservation; would take appropriate account of and consider the interests of persons with ownership or other legally recognized interests in land or other natural resources. The rules would properly accommodate local participation in the Federal decision-making process, and would provide that the programs, projects, and activities are consistent with protecting public health and safety.

#### Information Quality Act

In developing these proposed supplementary rules, the BLM did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Pub. L. 106–554). In accordance with the Information Quality Act, the DOI has issued guidance regarding the quality of information that it relies on for regulatory decisions. This guidance is available on the DOI's Web site at [http://www.doi.gov/ocio/information\\_management/iq.cfm](http://www.doi.gov/ocio/information_management/iq.cfm).

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

Under Executive Order 13211, the BLM has determined that the proposed supplementary rules would not comprise a significant energy action, and that they would not have an adverse effect on energy supplies, production, or consumption.

#### Paperwork Reduction Act

The proposed supplementary rules do not directly provide for any information collection that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521. Moreover, any information collection that may result from Federal criminal investigations or prosecutions conducted under the proposed supplementary rules are exempt from the provisions of 44 U.S.C. 3518(c)(1).

#### Author

The principal author of these proposed supplementary rules is Eric Morgan, Monument Manager, Central Coast Field Office, 940 2nd Avenue, Marina, CA 93933.

#### Proposed Supplementary Rules

For the reasons stated in the preamble and under the authorities for supplementary rules found under 43 CFR 8365.1–6, 43 U.S.C. 1733(a), 16 U.S.C. 670h(c)(5), and 43 U.S.C. 315a, the BLM California State Director proposes to issue supplementary rules for public lands managed by the BLM within the boundaries of the FONM, to read as follows:

#### Definitions

*Designated route* means any road or trail that the BLM has signed and shown on trail maps where public use is authorized.

*Dog* means any domestic dog that is not classified as a “service animal.”

*“Off-leash-opportunity-route”* means a specific road or trail on FONM that has been designated by the BLM to allow some opportunities for dogs to be off leash under specific circumstances.

*Service animal* means a dog that is individually trained to do work or perform tasks for people with disabilities as covered under the Americans with Disabilities Act.

*Street-legal vehicle* means a vehicle, such as an automobile, motorcycle, or light truck, that is equipped and licensed for use on a public street and/or highway and that is subject to registration under the California Vehicle Code 4000(a)(1).

*Unattended dog* means any dog that is unaccompanied by an owner and/or handler whether on tether or otherwise.

*Yield* means slowing or stopping forward progress to a point where it is possible to safely pass another visitor without injuring, startling, or surprising that visitor. For bicycles, the passing speed shall be no greater than 10 mph on roads, and 5 mph on single-track trails.

#### Prohibited Acts

Unless otherwise authorized by the BLM, the following prohibitions apply to all BLM-managed public lands on the Fort Ord National Monument (FONM):

#### Proposed Supplementary Rules From the Dog Management Plan

1. You must not bring a dog into the Inland Range Planning Unit. Service animals accompanying a disabled person as accommodated by the Americans with Disabilities Act are excluded from this provision.
2. You must physically restrain, or keep your dog(s) on a leash or cord not to exceed 6 feet in length, at all times while you are on a road or trail that has not been designated as an “off-leash-opportunity-route.”
3. You and/or your dog must not walk or roam off a designated route, including any route designated as an “off-leash-opportunity route.”
4. You must physically restrain, or keep your dog on a leash or cord not to exceed 6 feet in length, on a designated “off-leash-opportunity-route” when you are within 100 feet of another person and/or dog that is not with your party.
5. You must not allow your dog to roam over 50 feet away from you while on a designated “off-leash-opportunity-route.”
6. You must not allow your dog to enter any vernal pool or pond, or roam within 20 feet of any such area, unless you and your dog are on a route designated for public use.
7. You must carry a leash for each dog you have with you.
8. You are prohibited from leaving a dog unattended, even if on tether, within a crate, or within an unoccupied motor vehicle.
9. Visitors must yield the path, on both roads and trails, to other visitors in the following manner: Bicycles must yield to pedestrians and equestrians; and pedestrians must yield to equestrians. For bicycles, the passing speed shall be no greater than 10 mph on roads, and 5 mph on single-track trails.

Proposed Supplementary Rules That Clarify Existing Restrictions Established in 1996 and Direction From the 2007 Record of Decision

10. Motorized vehicles and other motorized devices, including electronic bicycles, are prohibited on all roads and trails excluding Creekside Terrace Road and Badger Hills Driveway. Motorized vehicle use on these two roadways is restricted to highway licensed street-legal vehicles.

11. Use and/or occupancy of all lands within the FONM, including leaving personal property unattended, is prohibited between ½ hour after sunset and ½ hour before sunrise.

12. All use (including pet use) is restricted to designated routes and trails. Open routes and trails are indicated on BLM maps and signed with route or trail markers. Any unsigned route which does not appear on the most current BLM map is closed to all uses.

13. Campfires and other open flame fires are prohibited.

14. Possession or discharge of fireworks, including “safe and sane” fireworks, is prohibited.

15. Wood cutting and the collection of downed wood are prohibited.

Proposed FONM Supplementary Rules That Are Currently Monterey County Ordinances

16. It shall be unlawful for the owner or person having custody of any dog, either willfully or through failure to exercise due care or control, to allow said dog to defecate and to allow the feces thereafter to remain on FONM other than within trash receptacles provided for such purposes. This includes bagged feces—Reference Monterey County ordinance, 8.36.030.

17. All dogs under four months of age shall be kept under physical restraint by the owner, keeper, or harbinger when on FONM—Reference Monterey County ordinance, 8.20.020.

18. Dogs on FONM shall wear a license tag with or without a chip implant at all times. The tag shall be attached at all times to a collar, harness, or other suitable device upon the dog for which the license tag was issued—Reference Monterey County ordinance, 8.08.040.

Exemptions

The following persons are exempt from these supplementary rules: Any Federal, State, or local officer or employee in the scope of their duties; members of any organized law enforcement, rescue, or fire-fighting force in performance of an official duty;

and any person whose activities are authorized in writing by the BLM.

Enforcement

Any person who violates any of these supplementary rules may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, or both.

In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of California law.

**Jerome E. Perez,**

*State Director, California.*

[FR Doc. 2016–26457 Filed 11–3–16; 8:45 am]

**BILLING CODE 4310–40–P**

---

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

**RIN 0648–BG18**

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 43

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Gulf of Mexico (Gulf) Fishery Management Council (Gulf Council) has submitted Amendment 43 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) for review, approval, and implementation by NMFS. If approved by the Secretary of Commerce (Secretary), Amendment 43 would revise the hogfish fishery management unit (FMU) to be the West Florida stock and define the geographic range of this stock consistent with the South Atlantic Fishery Management Council’s (South Atlantic Council) proposed boundary between the Florida Keys/East Florida and West Florida stocks, set the status determination criteria (SDC) and annual catch limits (ACLs) for the West Florida stock, increase the minimum size limit for the West Florida stock, and remove the powerhead exception for harvest of hogfish in the Gulf reef fish stressed area. The purpose of Amendment 43 is to establish management measures for the West Florida hogfish stock in the

Gulf using the best scientific information available.

**DATES:** Written comments must be received by January 3, 2017.

**ADDRESSES:** You may submit comments on Amendment 43 identified by “NOAA–NMFS–2016–0126” by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2016-0126](http://www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2016-0126), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit all written comments to Peter Hood, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Electronic copies of Amendment 43, which includes an environmental assessment, a fishery impact statement, a Regulatory Flexibility Act analysis, and a regulatory impact review, may be obtained from [www.regulations.gov](http://www.regulations.gov) or the Southeast Regional Office Web site at [http://sero.nmfs.noaa.gov/sustainable\\_fisheries/gulf\\_fisheries/reef\\_fish/2016/am43/index.html](http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/2016/am43/index.html).

**FOR FURTHER INFORMATION CONTACT:** Peter Hood, NMFS Southeast Regional Office, telephone: 727–824–5305, email: [peter.hood@noaa.gov](mailto:peter.hood@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any FMP or amendment to NMFS for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, publish an announcement in the **Federal Register** notifying the public that the FMP or amendment is available for review and comment.

The FMP being revised by Amendment 43 was prepared by the Gulf Council and, if approved, would be