

effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates, as defined in Title II of UMRA, for State, local, and Tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

#### Federal Assistance Programs

The title and number of the Federal Domestic Assistance Program in the Catalog of Federal Domestic Assistance, to which this rule applies is 10.054—Emergency Conservation Program.

#### Paperwork Reduction Act

In the accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), this rule does not change the information collection approved by OMB under OMB control number 0560–0082.

#### E-Government Act Compliance

FSA are committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

#### List of Subjects in 7 CFR Part 701

Disaster assistance, Environmental protection, Forests and forest products, Grant programs—agriculture, Grant programs—natural resources, Reporting and recordkeeping requirements, Rural areas, Soil conservation, Water resources, Wildlife.

For the reasons discussed above, FSA amends 7 CFR part 701 as follows:

#### PART 701—EMERGENCY CONSERVATION PROGRAM, EMERGENCY FOREST RESTORATION PROGRAM, AND CERTAIN RELATED PROGRAMS PREVIOUSLY ADMINISTERED UNDER THIS PART

■ 1. The authority citation for part 701 continues to read as follows:

**Authority:** 16 U.S.C. 2201–2206; Sec. 101, Pub. L. 109–148, 119 Stat. 2747; and Pub. L. 111–212, 124 Stat. 2302.

#### Subpart B—Emergency Conservation Program

■ 2. In § 701.2, add definitions for “Commercial forest land”, “Nonindustrial private forest land”, and “Owners of nonindustrial private forest land” in alphabetical order.

The additions read as follows:

#### § 701.2 Definitions.

\* \* \* \* \*

(b) \* \* \*

*Commercial forest land* means forest land with trees intended to be harvested for commercial purposes that has a productivity potential greater than or equal to 20 cubic feet per year of merchantable timber.

\* \* \* \* \*

*Nonindustrial private forest land* means rural commercial forest lands with existing tree cover, or which are suitable for growing trees, that are owned by a private non-industrial forest landowner as defined in this section.

*Owners of nonindustrial private forest* means, for purposes of the EFRP, an individual, group, association, corporation, Indian Tribe, or other legal private entity owning nonindustrial private forest land or who receives concurrence from the landowner for making the claim in lieu of the owner; and, for practice implementation, the one who holds a lease on the land for a minimum of 10 years. Owners or lessees principally engaged in the primary processing of raw wood products are excluded from this definition. Owners of land leased to lessees who would be excluded under the previous sentence are also excluded.

■ 3. Amend § 701.103 as follows:

■ a. Revise section heading;

■ b. In paragraph (a), remove “or other” and add “wildfire, or other” in its place; and

■ c. In paragraph (b), remove “wind” and add “wildfire, wind” in its place.

The revision reads as follows:

#### § 701.103 Eligible losses, objective, and payments.

\* \* \* \* \*

■ 4. Amend § 701.126 as follows:

■ a. In paragraph (a), remove “lesser of the participant’s total actual cost or of the”;

■ b. Revise paragraph (b); and

■ c. In paragraph (c), remove “shall” and adding “will” in its place.

The revision reads as follow.

#### § 701.126 Maximum cost-share percentage.

\* \* \* \* \*

(b) However, notwithstanding paragraph (a) of this section, a producer who is a limited resource, socially disadvantaged, or beginning farmer or rancher that participates in ECP may receive up to 90 percent of the total allowable costs expended to perform the practice as determined under this part.

\* \* \* \* \*

#### § 701.127 [Amended]

■ 5. Amend § 701.127 by removing “\$200,000” and adding “\$500,000” in its place.

■ 6. Add § 701.128 to read as follows:

#### § 718.128 Repair or replacement of fencing.

(a) With respect to a payment to an agricultural producer for the repair or replacement of fencing, the agricultural producer has the option of receiving up to 25 percent of the projected payment, determined based on the applicable percentage of the fair market value of the cost of the repair or replacement, as determined by FSA before the agricultural producer carries out the repair or replacement.

(b) If the funds provided under paragraph (a) of this section are not spent by the agricultural producer within 60 calendar days of the date on which the agricultural producer receives those funds, the funds must be returned to FSA by a date determined by FSA.

(c) Payments made under this section are subject to the availability of funds.

■ 7. Amend § 701.203 as follows:

■ a. Revise the section heading; and

■ b. In paragraph (a), remove “on or after January 1, 2010,”.

The revision reads as follow.

#### § 701.203 Eligible measures, objectives, and assistance.

\* \* \* \* \*

#### § 701.205 [Amended]

■ 8. Amend § 701.205 paragraph (a)(2) by removing “, which occurred on or after January 01, 2010,”.

#### § 701.226 [Amended]

■ 9. Amend § 701.226 as follows:

■ a. In paragraph (b), remove “A person,” and add “A person, or legal entity,” in its place and remove “disaster” and add “natural disaster” in its place; and

■ b. Remove paragraph (c).

**Steven Peterson,**

*Acting Administrator, Farm Service Agency.*

[FR Doc. 2019–14346 Filed 7–9–19; 8:45 am]

BILLING CODE 3410–05–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[EPA–R09–OAR–2019–0840; FRL–9996–12–Region 9]

### Designation of Areas for Air Quality Planning Purposes; California; Coachella Valley 8-Hour Ozone Nonattainment Area; Reclassification to Extreme

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** Under the Clean Air Act (CAA or the “Act”), the Environmental Protection Agency (EPA) is granting a request from the State of California to reclassify the Coachella Valley ozone nonattainment area from “Severe-15” to “Extreme” for the 1997 8-hour ozone national ambient air quality standards (NAAQS). This action does not reclassify any areas of Indian country within the boundaries of the Coachella Valley 1997 ozone nonattainment area. **DATES:** This rule is effective on July 10, 2019.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2019-0840. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Tom Kelly, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972-3856 or by email at [kelly.thomas@epa.gov](mailto:kelly.thomas@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our” refer to the EPA.

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- I. Reclassification of Coachella Valley to Extreme Ozone Nonattainment
- II. Statutory and Executive Order Reviews

### I. Reclassification of Coachella Valley to Extreme Ozone Nonattainment

Effective June 15, 2004, we classified a portion of Riverside County (Coachella Valley) under the CAA as “Serious” for the 1997 8-hour ozone NAAQS.<sup>1</sup> Our classification of Coachella Valley as a Serious ozone nonattainment area established a requirement that the area

attain the 1997 ozone NAAQS as expeditiously as practicable, but no later than eight years from designation, i.e., June 15, 2012. On November 28, 2007, the California Air Resources Board (CARB) requested that the EPA reclassify the Coachella Valley nonattainment area from Serious to Severe-15. The EPA granted the reclassification, effective June 4, 2010, with an attainment date of not later than June 15, 2019.<sup>2</sup> On June 11, 2019, CARB submitted a request that the EPA reclassify the Coachella Valley area from Severe-15 to Extreme for the 1997 ozone NAAQS.

We are approving CARB’s reclassification request under section 181(b)(3) of the Act, which provides for “voluntary reclassification.”<sup>3</sup> The provision for voluntary reclassification has been brought forward as part of the transition from the 1-hour ozone standard to the 1997 8-hour ozone standard.<sup>4</sup> Because the plain language of section 181(b)(3) mandates that we approve such a request, the EPA is granting CARB’s request for voluntary reclassification under section 181(b)(3) for the Coachella Valley nonattainment area for the 1997 ozone NAAQS, and the EPA is reclassifying the area from Severe-15 to Extreme. Because of this action, the Coachella Valley must now attain the 1997 ozone NAAQS as expeditiously as practicable, but no later than twenty years from the date of designation as nonattainment, i.e., June 15, 2024. We will propose a schedule for required plan submittals for Coachella Valley under the new classification in a separate action.

The EPA revoked the 1997 ozone NAAQS with the promulgation of the 2008 ozone NAAQS,<sup>5</sup> and certain requirements of the 1997 ozone NAAQS continue to apply as anti-backsliding measures under CAA section 172(e). The United States Court of Appeals for the District of Columbia Circuit’s decision in *South Coast Air Quality Management District v. EPA*, 882 F.3d 1138 (D.C. Cir. 2018) (“*South Coast II*”) recently addressed the EPA’s obligation to reclassify areas for the revoked 1997 ozone NAAQS where those areas failed to attain by their attainment date.<sup>6</sup> The

Court held that the EPA is required to continue to reclassify areas that fail to attain by the relevant attainment deadlines because mandatory reclassification under CAA section 181(b)(2) must be retained as an anti-backsliding control after revocation.<sup>7</sup> The Court did not address voluntary reclassifications requested by states, but such reclassifications are consistent with the general scheme for implementing CAA emissions controls to achieve attainment and taking this action will serve to clarify the area’s anti-backsliding obligations with respect to the revoked 1997 standards.

Within the geographic boundaries of Coachella Valley is Indian country under the jurisdiction of the Agua Caliente Band of Cahuilla Indians, the Augustine Band of Cahuilla Mission Indians, the Cabazon Band of Mission Indians, the Santa Rosa Band of Cahuilla Indians, the Torres Martinez Desert Cahuilla Indians, and the Twenty-Nine Palms Band of Mission Indians. Because the State of California does not have jurisdiction over Indian country located within its borders, CARB’s request to reclassify the Coachella Valley does not apply to these areas of Indian country. The EPA implements federal CAA programs, including reclassifications, in Indian country consistent with our discretionary authority under sections 301(a) and 301(d)(4) of the CAA. The EPA has not received a reclassification request from any tribe with jurisdiction within the Coachella Valley, and this action does not reclassify any areas of Indian country within the Coachella Valley.<sup>8</sup> In this action, we are adding regulatory text to 40 CFR part 81 to distinguish the areas of Indian country that will retain the Severe-15 classification from the state areas that are included in the reclassification to Extreme.

The EPA has determined that this action falls under the “good cause” exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding “good cause,” authorizes agencies to dispense with

EPA’s Phase 1 implementation rule for the 1997 ozone standard. *South Coast Air Quality Management District v. EPA*, 472 F.3d 882 (D.C. Cir. 2006).

<sup>7</sup> *South Coast II*, 882 F.3d at 1147–48.

<sup>8</sup> The EPA has notified the Agua Caliente Band of Cahuilla Indians, the Augustine Band of Cahuilla Mission Indians, the Cabazon Band of Mission Indians, the Santa Rosa Band of Cahuilla Indians, the Torres Martinez Desert Cahuilla Indians, and the Twenty-Nine Palms Band of Mission Indians of CARB’s intention to seek a voluntary reclassification, and we clarified that CARB’s reclassification request includes only state lands and that the EPA’s approval of the request will not apply to Indian country.

<sup>2</sup> See 75 FR 24409 (May 5, 2010).

<sup>3</sup> 42 U.S.C. 7511(b)(3).

<sup>4</sup> See 40 CFR 51.903(b) (“A State may request a higher classification for any reason in accordance with section 181(b)(3) of the CAA”) and 40 CFR 51.903(a), Table 1.

<sup>5</sup> 80 FR 12263 (March 6, 2015).

<sup>6</sup> *South Coast Air Quality Management District v. EPA*, 882 F.3d 1138, 1147–48 (D.C. Cir. 2018). The term “*South Coast II*” is used in reference to the 2018 court decision to distinguish it from a decision published in 2006 also referred to as “*South Coast*.” The earlier decision involved a challenge to the

<sup>1</sup> See 69 FR 23858 (April 30, 2004).

public participation where public notice and comment procedures are “impracticable, unnecessary or contrary to the public interest.” The EPA has determined that public notice and comment for this action is unnecessary because our action to approve voluntary reclassification requests under CAA section 181(b)(3) is nondiscretionary both in its issuance and in its content. As such, notice and comment rulemaking procedures would serve no useful purpose.

The EPA also finds that there is good cause under APA section 553(d)(3) for this reclassification to become effective on the date of publication. Section 553(d)(3) of the APA allows an effective date of less than 30 days after publication “as otherwise provided by the agency for good cause found and published with the rule.” 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. The schedule for required plan submittals for Coachella Valley under the new classification will be proposed in a separate action. For this reason, the EPA finds good cause under APA section 553(d)(3) for this reclassification to become effective on the date of publication.

## II. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this final action is not a “significant regulatory action” and therefore is not subject to Executive Order 12866. This action is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because it is not significant under Executive Order 12866. With respect to lands under state jurisdiction, voluntary reclassifications under CAA section 181(b)(3) of the CAA are based solely upon requests by the state, and the EPA is required under the CAA to grant them. These actions do not, in and of themselves, impose any new requirements on any sectors of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by reclassification, reclassification does not impose a materially adverse impact under Executive Order 12866. For these reasons, this final action is also not subject to Executive Order 13211,

“Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001).

In addition, I certify that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and that this final rule does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), because the EPA is required to grant requests by states for voluntary reclassifications and such reclassifications in and of themselves do not impose any federal intergovernmental mandate, and because tribes are not subject to implementation plan submittal deadlines that apply to states as a result of reclassifications.

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. This reclassification action relates to ozone, a pollutant that is regional in nature, and is not the type of action that could result in the types of local impacts addressed in Executive Order 12898.

This final action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, nor on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This final action does not alter the relationship or the distribution of power and responsibilities established in the CAA.

This rule also is not subject to Executive Order 13045, “Protection of Children from Environmental Health

Risks and Safety Risks” (62 FR 19885, April 23, 1997), because EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation.

Reclassification actions do not involve technical standards and thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and comment rulemaking procedures are impracticable, unnecessary or contrary to the public interest (5 U.S.C. 808(2)). The EPA has made a good cause finding for this rule as discussed in section I of this preamble, including the basis for that finding. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 9, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

### List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Ozone.

Dated: June 12, 2019.  
 Michael Stoker,  
 Regional Administrator, Region IX.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 81—DESIGNATION FOR AREAS FOR AIR QUALITY PLANNING PURPOSES**

■ 1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

**Subpart C—[Amended]**

■ 2. In § 81.305 the table entitled “California—1997 8-Hour Ozone NAAQS (Primary and Secondary)” is amended by revising the entry for “Riverside Co. (Coachella Valley), CA” and adding footnote g to read as follows:

**§ 81.305 California.**

\* \* \* \* \*

**CALIFORNIA—1997 8-HOUR OZONE NAAQS (PRIMARY AND SECONDARY)**

| Designated area  | Designation <sup>a</sup> |                     | Category/classification |                      |
|--|--------------------------|---------------------|-------------------------|----------------------|
|  | Date <sup>1</sup>        | Type                | Date <sup>1</sup>       | Type                 |
| Riverside Co. (Coachella Valley), CA:  |                          |                     |                         |                      |
| Riverside County (part) <sup>g</sup> .....   |                          | Nonattainment ..... | 6/12/19                 | Subpart 2/Extreme.   |
| That portion of Riverside County which lies to the east of a line described as follows: Beginning at the Riverside-San Diego County boundary and running north along the range line common to Range 4 East and Range 3 East, San Bernardino Base and Meridian; then east along the Township line common to Township 8 South and Township 7 South; then north along the range line common to Range 5 East and Range 4 East; then west along the Township line common to Township 6 South and Township 7 South to the southwest corner of Section 34, Township 6 South, Range 4 East; then north along the west boundaries of Sections 34, 27, 22, 15, 10, and 3, Township 6 South, Range 4 East; then west along the Township line common to Township 5 South and Township 6 South; then north along the range line common to Range 4 East and Range 3 East; then west along the south boundaries of Sections 13, 14, 15, 16, 17, and 18, Township 5 South, Range 3 East; then north along the range line common to Range 2 East and Range 3 East; to the Riverside-San Bernardino County line.     |                          |                     |                         |                      |
| And that portion of Riverside County which lies to the west of a line described as follows: That segment of the southwestern boundary line of Hydrologic Unit Number 18100100 within Riverside County, further described as follows: Beginning at the Riverside-Imperial County boundary and running north along the range line common to Range 17 East and Range 16 East, San Bernardino Base and Meridian; then northwest along the ridge line of the Chuckwalla Mountains, through Township 8 South, Range 16 East and Township 7 South, Range 16 East, until the Black Butte Mountain, elevation 4504'; then west and northwest along the ridge line to the southwest corner of Township 5 South, Range 14 East; then north along the range line common to Range 14 East and Range 13 East; then west and northwest along the ridge line to Monument Mountain, elevation 4834'; then southwest and then northwest along the ridge line of the Little San Bernardino Mountains to Quail Mountain, elev. 5814'; then northwest along the ridge line to the Riverside-San Bernardino County line. |                          |                     |                         |                      |
| Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation <sup>e</sup> .....  |                          | Nonattainment ..... | (?)                     | Subpart 2/Severe-15. |
| Augustine Band of Cahuilla Indians <sup>e</sup> .....  |                          | Nonattainment ..... | (?)                     | Subpart 2/Severe-15. |
| Cabazon Band of Mission Indians <sup>e</sup> .....   |                          | Nonattainment ..... | (?)                     | Subpart 2/Severe-15. |
| Santa Rosa Band of Cahuilla Indians <sup>e</sup> .....   |                          | Nonattainment ..... | (?)                     | Subpart 2/Severe-15. |
| Torres Martinez Desert Cahuilla Indians <sup>e</sup> .....   |                          | Nonattainment ..... | (?)                     | Subpart 2/Severe-15. |
| Twenty-Nine Palms Band of Mission Indians of California <sup>e</sup> .....   |                          | Nonattainment ..... | (?)                     | Subpart 2/Severe-15. |

<sup>a</sup> Includes Indian Country located in each county or area, except as otherwise specified.

<sup>e</sup> Includes Indian country of the tribe listed in this table. Information pertaining to areas of Indian country in this table is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. The EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.

<sup>g</sup> Excludes Indian country of the Agua Caliente Band of Cahuilla Indians, the Augustine Band of Cahuilla Mission Indians, the Cabazon Band of Mission Indians, the Santa Rosa Band of Cahuilla Indians, the Torres Martinez Desert Cahuilla Indians, and the Twenty-Nine Palms Band of Mission Indians in Riverside County.

<sup>1</sup> This date is 30 days after November 13, 2009, unless otherwise noted.

<sup>2</sup> This date is July 2, 2014, unless otherwise noted.

\* \* \* \* \*

[FR Doc. 2019-14612 Filed 7-9-19; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****43 CFR Part 8365**[LLCAC09400 L19200000.NU0000  
XXXL1109RM LRORBX619900  
(MO4500135321)]**Notice of Final Supplementary Rules  
for Fort Ord National Monument,  
California****AGENCY:** Bureau of Land Management,  
Interior.**ACTION:** Final supplementary rules.**SUMMARY:** The California State Director of the Bureau of Land Management (BLM) is issuing final supplementary rules related to dog management and other public safety issues on public lands at Fort Ord National Monument (FONM), California.**DATES:** These rules are effective August 9, 2019.**ADDRESSES:** You may submit inquiries 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](mailto: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 telephone: 831-582-2200, or email: [emorgan@blm.gov](mailto:emorgan@blm.gov). Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 800-877-8339 to contact Mr. Morgan during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.**SUPPLEMENTARY INFORMATION:****I. Background**

The former Fort Ord military installation closed in 1994. The Secretary of the Army transferred administration of part of the installation to the Department of the Interior. In 2012, the lands became part of the 14,651 acre FONM pursuant to Presidential Proclamation No. 8803. The Army continues to manage approximately 7,446 acres of the FONM and will transfer those lands to the BLM for administration following a munitions cleanup being performed in

accordance with the Comprehensive Environmental Response, Compensation, and Liability Act.

On December 5, 1996, the BLM issued an emergency closure notice (61 FR 64530) that applied to former Fort Ord lands that had been transferred to the Department of the Interior.

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). To protect health and public safety from exposure to munitions and to promote coordination with local law enforcement, that RMP directed the BLM's Central Coast Field Office to develop a dog-management plan for the FONM, which was completed in July 2016. As set forth later, these final rules are consistent with both the 2016 dog-management plan and the 2007 RMP.

In addition to dog-management provisions, these final supplementary rules include revised versions of the restrictions in the 1996 emergency closure order. In these final supplementary rules, the BLM is also adopting some Monterey County ordinances, in order to facilitate cooperation between BLM rangers and local law enforcement officials.

The BLM California State Director proposed these supplementary rules in the **Federal Register** on November 4, 2016 (81 FR 76905). The BLM received no public comments in response.

**II. Discussion**

These supplementary rules are necessary to support the mission of the BLM to protect the natural resources of the FONM, and to protect the health and safety of those using the public lands.

The supplementary rules (see Section IV) are broken into three categories. Supplementary rules numbered 1 through 9 are new, and implement new direction from the approved dog-management plan. Supplementary rules 10 through 15 are not completely new, since they are revisions of previous restrictions that were established in 1996 (see 61 FR 64530), and are consistent with the national monument proclamation of 2012 (*i.e.*, Proclamation 8803), and the BLM 2007 RMP. Finally, supplementary rules 16 and 17 are existing Monterey County ordinances that the BLM has adopted as supplementary rules in order to facilitate cooperation between BLM rangers and local law enforcement officials.

**III. Procedural Matters***Regulatory Planning and Review  
(Executive Orders 12866 and 13563)*

These final 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 do not have an effect of \$100 million or more on the economy. The final supplementary rules do 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. The final supplementary rules do not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The final supplementary rules do 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 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.

*National Environmental Policy Act*

The BLM 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), pursuant to 43 CFR 46.205(b) and 46.210(i). On July 5, 2016, the BLM approved the Final FONM Dog Management Plan and associated EA (DOI-BLM-CA-C090-2016-0021-EA) and Finding of No Significant Impact (FONSI). All of the final supplementary rules were analyzed in the Dog Plan EA and FONSI. The final 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 final supplementary rules merely impose reasonable restrictions on certain recreational activities on public lands in order to protect natural