[NM-030-1220-00]

Establishment of Visitor Restrictions for Designated Sites, Special Recreation Management Areas, and Other Public Land in the Las Cruces District, New Mexico

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

ACTION: Proposed Visitor Restrictions; Request for Comment.

SUMMARY: The proposed visitor restrictions are necessary for the management of actions, activities, and use on public land including those which are acquired or conveyed to the BLM. Supplementary rule making is provided for under Title 43 CFR Subpart 8365. These proposed regulations establish rules of conduct for the protection of persons, property, and public land resources. As a visitor to public land, the user is required to follow certain rules designed to protect the land and the natural environment, to ensure the health and safety of visitors, and to promote a pleasant and rewarding outdoor experience.

This notice supersedes previous notices published in the **Federal Register**, December 15, 1988 (Vol. 53, No. 241); July 24, 1989 (Vol. 54, No. 140); August 17, 1989 (Vol. 54, No. 158); August 31, 1989 (Vol. 54, No. 168); May 10, 1990 (Vol. 55, No. 91); July 9, 1991 (Vol. 56, No. 131); January 22, 1991 (Vol. 56, No. 14); and correction to Supplementary Rules No. 2., February 1, 1991 (Vol. 56, No. 28), establishing Supplementary Rules for Designated Recreation Sites, Special Recreation Management Areas and Other Public Land in New Mexico.

More specifically, the purpose falls into the following categories:

- Implementation of Management Plans—Certain prohibited activities have been recommended as rules for designated recreation sites and Special Recreation Management Areas (SRMAs). In order to implement these recommendations, they must be published as specific prohibited acts in the **Federal Register**. Use of the Supplementary Rules Section of 43 CFR, Subpart 8365, is the most appropriate way of implementation. Rationale for these recommendations is presented in its entirely in the resource management plan or recreation management plan for the specific area.
- Mitigation of User Conflict—Certain other rules are recommended because of specific user conflict problems.
 Prohibiting the reservation of camping space in developed campgrounds will allow such space to be available on a

first-come, first-served basis. This will prevent people from monopolizing the use of limited developed camping space. Prohibition of motorized vehicle free-play (operation of any 2-, 3-, or 4-wheel motor vehicle for purposes other than accessing a campsite) is necessary to minimize the noise and nuisance factors that such activities represent in developed recreation sites.

- Public Health and Safety—The erection and maintenance of unauthorized toilet facilities or other containers for human waste on the public land could represent a major threat to public safety and health. It should be noted that shooting restrictions recommended do not prohibit legitimate hunting activities except within ½ mile of developed sites. Recreational shooters will be encouraged to use public land where such shooting restrictions do not apply and this use does not significantly conflict with other uses.
- Complementary Rules—Some rules, such as parking or camping near water sources, are recommended to complement those of State and local agencies. Because these rules provide for the protection of persons and resources in the interest and spirit of cooperation with the responsible agencies, these rules are deemed necessary.

Definitions

As used in these supplementary rules, the term:

- —A SRMA—means an area where special or more intensive types of resource and user management are needed.
- —A developed recreation site and area means sites and areas that contain structures or capital improvements primarily used for recreation purposes by the public. Development may vary from limited development for protection of the resource and the safety of users to a distinctly defined site in which developed facilities that meet the Land and Water Conservation Fund Act of 1965 (as amended) criteria for a fee collection site are provided for concentrated public recreation use.
- —Public Land means any land, interest in land, or related waters owned by the United States and administered by the BLM. Related waters are waters which lie directly over or adjacent to public land and which require management to protect Federally administered resources or to provide for enhanced visitor safety and other recreation experiences.
- —*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 camp site or an approved location within developed recreation areas and sites during the established night period of 10:00 p.m. to 6:00 a.m. will be considered overnight camping for fee collection and enforcement purposes.

 Campfire means a controlled fire occurring outdoors for cooking, branding, personal warmth, lighting, ceremonial, or aesthetic purposes.

—Abandonment means the voluntary relinquishment of control of property for longer than a period specified with no intent to retain possession.

- —Administrative activities means those activities conducted under the authority of the BLM for the purpose of safeguarding persons or property, implementing management plans and policies developed in accordance and consistent with regulations or repairing or maintaining facilities.
- Pet means a dog, cat, or any domesticated companion animal.
- Occupancy means the taking or holding possession of a camp site, other location, or residence on public land.
- —Vehicle means any motorized or mechanized device, including bicycles, hang gliders, ultra lights, and hot air balloons which is propelled or pulled by any living or other energy source, and capable of travel by any means over ground, water, or air.
- —Authorized Officer means any employee of the BLM who has been delegated the authority to perform under Title 43.
- —Stove fire means a fire built inside an enclosed stove or grill, a portable brazier, or a pressurized liquid or gas stove, including space-heating devices.
- —Weapon means a firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, spearguns, slingshot, explosive device, or any other implement designed to discharge missiles or projectiles; hand-thrown spear, edged weapons, nun-chucks, clubs, billy-clubs, and any device modified for use or designed for use as a striking instrument; and includes any weapon the possession of which is prohibited under New Mexico law.
- —Historic or prehistoric structure or ruin site means any location at least 50 years old which meets the standards for inclusion on the National Register of Historic Places as