

designated recreation sites, special recreation management areas, and other public lands in the Roswell District, New Mexico" was published in the Federal Register on January 24, 1995, (60 FR No. 15) and provided for a 30-day public comment period that ended February 23, 1995. One letter was received from Gun Owners of America, which contained numerous specific comments. One of the comments urged the BLM to extend the public comment period to 60 days. The BLM Roswell District believes that a 30-day public comment period was adequate for this notice. Another comment stated that the rule as it is related to firearms is vague and will infringe upon Second Amendment rights of law abiding citizens. The BLM Roswell District believes the notice adequately describes firearms under the definition of a weapon. Another comment stated the rule would unduly interfere with the right of self defense. The BLM Roswell District believes that under State law, self defense of one's life would not preclude a person from protecting themselves. Another comment stated the rule would require someone to get a written permit (in advance) in order to discharge a firearm within 1/2 mile of a developed recreation site. Based on this comment, the BLM Roswell District has changed the wording on the visitor restriction of discharge of firearms from 1/2 mile to 150 yards. This change corresponds with State law and other Federal agencies providing for public safety. Another comment stated the regulation does not contain a clear definition of what a developed recreation site and area is. The BLM Roswell District believes that a "developed recreation site and area" has been adequately described in the Definitions and in the proposed Federal Register notice. The definition is also described in the Code of Federal Regulations 43 CFR 8360.0-5(C). Another comment recommended that the regulation be redrafted and tightened to focus on conduct which poses a danger. It goes on to state that the rule would restrict the discharge of firearms in recreation areas. The BLM, under rules of Conduct of Federal Regulations 43 CFR 8365.2-5 (A), states on developed recreation sites and areas, unless otherwise authorized, "No person shall: (a) discharge or use firearms, other weapons or fireworks". Another comment objected to the breadth of the conditions under which use of a firearm is banned, such as long guns being broken down or otherwise rendered inoperable and should be stored out-of-site. The BLM Roswell

District has shortened the wording to read: "Using weapons in violation of State laws within developed campsites or picnic areas". Another comment stated that the commentator is concerned that if an individual uses a firearm while being attacked they would be arrested. The BLM Roswell District believes that self protection of one's life is established by State laws and that this restriction would not preclude a person from protecting his/her life.

SUMMARY: The proposed restrictions are necessary for the management of actions, activities, and use on public lands, including those which are acquired or conveyed to the BLM. The making of Rules of Conduct 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 lands, the user is required to follow certain restrictions designed to protect the lands 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 on 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 Lands in New Mexico. More specifically, the purpose falls into the following categories:

- **Implementation of Management Plans**—Certain prohibited activities have been recommended as Restrictions for designated recreation sites and Special Recreation Management Areas (SRMA's). In order to implement these recommendations, they must be published as specific prohibited acts in the Federal Register. Use of Rules of Conduct Section of 43 CFR, Subpart 8365, is the most appropriate way of implementation. Rationale for these recommendations is presented in its entirety in the Carlsbad Resource Management Plan, the Roswell Management Framework Plan or Recreation Management Plan for the specific areas.

- **Mitigation of User Conflict**—Certain other visitor restrictions 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 recommended 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. Toilet structures may be permitted by the authorized officer on a case-by-case basis and only when appropriate State and local permits have been obtained. It should be noted that shooting restrictions recommended do not prohibit legitimate hunting activities except within 150 yards of developed sites. Recreational shooters will be encouraged to use public land where such shooting and restrictions do not apply and this use does not significantly conflict with other uses.

- **Complementary rules**—Some restrictions, such as parking or camping near water sources, are recommended to compliment those of State and local agencies. Because these restrictions provide for the protection of persons and resources in the interest and spirit of cooperation with the responsible agencies, these restrictions are deemed necessary.

Definition: As used in these visitor restrictions, the term:

- 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 certain structures or capital improvements primarily used for recreation purposes by the public. Development may vary from limited development for protection of the resources 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 lands* means any lands, interest in lands, 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 lands 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