

**SUMMARY:** The Eugene District, Bureau of Land Management, hereby establishes supplementary rules for use of those public lands included in the West Eugene Wetlands Project in the Coast Range Resource Area, Eugene District, Lane County, Oregon. These supplementary rules are intended to provide for public safety, to protect the natural resources of the project area and to be consistent with the City of Eugene regulations covering those project lands within the City of Eugene. A "Notice of proposed establishment of supplementary rules" was published in the **Federal Register** on November 28, 1994 (59 FR 60826) and provided for a thirty day comment period that ended December 28, 1994. No comments were received.

**ADDRESSES:** Comments should be sent to Wayne Elliott, Coast Range Area Manager, Eugene District Office, P.O. Box 10226, Eugene, Oregon 97440-2226.

**FOR FURTHER INFORMATION CONTACT:** Jock Beall, 503-683-6993.

**SUPPLEMENTARY INFORMATION:** Authority for the establishment of these supplementary rules is contained in 43 CFR 8365.1-6. A map showing the location of the lands subject to the supplementary rules is available in the Eugene District Office. The supplementary rules apply to those lands already acquired and to lands that will be acquired as part of the West Eugene Wetlands Project. These supplementary rules are subject to review and will be revised, if appropriate, to further the goals of providing for public safety and protecting natural resources.

**DATES:** These supplementary rules will become effective on January 24, 1995.

For the reasons set forth in the preamble, the Eugene District, Bureau of Land Management, establishes the following supplementary rules for the West Eugene Wetlands Project:

1. Use or operation of motor vehicles is prohibited except on those roads and parking areas specifically designated for motor vehicle use. Non-street legal motor vehicles are prohibited at all times. Motor vehicles being used by duly authorized emergency response personnel, including police, ambulance and fire suppression, as well as BLM vehicles engaged in official duties and other vehicles authorized by BLM, are exempted.

2. Possession, use and/or discharge of any weapons is prohibited, except that hunting on the Project lands outside the city limits of Eugene is permissible in accordance with federal and state laws.

3. Use and/or occupancy (including leaving personal property unattended) is prohibited between one-half hour after sunset to one-half hour before sunrise without the written permission of the authorized officer.

4. The collection, disturbance or possession of any natural resource is prohibited without the written permission of the authorized officer.

5. The possession or discharge of fireworks is prohibited.

6. Campfires or other open flame fires are prohibited without the written permission of the authorized officer.

7. No person shall, unless otherwise authorized, bring any animal onto the public lands unless such animal is on a leash not longer than six feet and secured to a fixed object or under control of a person, or is otherwise physically restricted at all times. This restriction does not apply to legal hunting activities with dogs outside the City of Eugene.

8. Bicycle travel and equestrian travel is limited to designated routes and areas, except as otherwise permitted in writing by the authorized officer.

9. The possession or consumption of alcoholic beverages is prohibited.

10. Hiking and foot traffic may be limited or closed by the authorized officer in designated areas to protect natural resources.

11. Littering and the disposal of any commercial, industrial or household waste is prohibited.

12. Audio devices creating unreasonable noise and disturbance are prohibited without the written permission of the authorized officer.

13. Smoking may be prohibited by the authorized officer when necessary to protect natural resources and adjacent landowners.

Date of Issue: January 10, 1995.

*Barbara Hughes,*

**Acting District Manager.**

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**[NM-931-05-1210-00 (603)]**

**Establishment of Visitor Restrictions for Designated Recreation Sites, Special Recreation Management Areas, and Other Public Land in the Roswell District, NM**

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

**ACTION:** Proposed visitor restrictions; request for comment.

**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 supplemental 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 developing 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 1/2 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 restrictions, such as parking or camping near water sources, are recommended to complement 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.

### Definitions

As used in these visitor restrictions, the term:

- An 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 resources and the safety of users to a distinctly defined site to 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 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 spaceheating devices.
- Weapon means a firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, speargun, slingshot, irritant gas device, 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 designated 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 defined in 36 CFR 60.4, without regard to whether the site has been nominated or accepted.

**Visitor Restrictions**—ALL PUBLIC LANDS: In addition to regulations contained in 43 CFR 8365.1, the following visitor restrictions apply to all public lands, including those lands acquired or conveyed to the BLM, and related waters. The following are prohibited unless authorized by written permit:

### Sanitation

- To construct or maintain any pit toilet facility.
- The dumping or disposal of sewage or sewage treatment chemicals from self-contained or containerized toilets, except at facilities provided for that purpose.
- To shower or bathe at any improved or developed water source, outdoor hydrant pump, faucet or fountain, or restroom water faucet unless such water source is designated for that purpose.

### Occupancy and Use

- To camp or occupy any site on public lands or any approved location, including those in developed recreation areas and sites or SRMA's, for a period longer than 14 days within any period of 28 consecutive days. Exceptions, which will be posted, include areas closed to camping and areas or sites with other designated camping stay limits. The 28-day period begins when a camper initially occupies a specific location on public land. The 14-day limit may be reached either through a number of separate visits or through 14 days of continuous occupation. After the 14th day of occupation, campers must move beyond a 25-mile radius from the previous location. When a camping limit has been reached, use of any public land site within the 25-mile radius shall not occur again until at least 30 days have elapsed from the last day of authorized use.
  - To park any motor vehicle for longer than 30 minutes, or camping within 300 yards of any spring, man-made water hole, water well, or watering tank used by wildlife or domestic stock.
  - To dispose of any burning or smoldering material except at sites or facilities provided for that purpose.
    - Unauthorized cutting, removing, or transporting woody materials including, but not limited to:
      1. Any type or variety of vegetation (excluding dead and downed),
      2. Fuelwood or firewood, either green or standing deadwood or,
      3. Live plants (except for consumption, medicinal purposes, study or personal collection).
    - Removing or transporting any mineral resources including, but not limited to, rock, sand, gravel, and minerals on or from public lands without written consent, proof of purchase, or a valid permit. Collection of specimens and samples in reasonable amounts for personal noncommercial use, under 43 CFR 8365.1-5(b) is not affected by this section.

- Collection or removal of any natural resource, including wood for campfires, where such restrictions are posted.

- Failure to prevent a pet from harassing, molesting, injuring, or killing humans, wildlife or livestock.

- Violation of the terms, stipulations, or conditions of any permit or use authorization.

- Failure to show a permit or use authorization to any BLM employee upon request.

- Camp or occupy or build any fire on, or in, any historic or prehistoric structure or ruin site.

- Competitive or commercial operations or events without a Special Recreation Permit.

#### Vehicles

- Operations of an off-road vehicle without full-time use of an approved spark arrestor and muffler.

- Failure to display the required State off-road vehicle registration.

- Lubricating or repairing any vehicle, except repairs necessitated by emergency.

- Operate, park, or leave a motorized vehicle in violation of posted restrictions or in such a manner or location as to:

1. Create a safety hazard,
2. Interfere with other authorized users or uses,
3. Obstruct or impede normal or emergency traffic movement,
4. Interfere with or impede administrative activities,
5. Interfere with the parking of other vehicles, or
6. Endanger property or any person.

#### Public Health and Safety

- Possession or use of fireworks.
- Leaving a campfire unattended, or failing to completely extinguish a fire after use.

- The sale or gift of an alcoholic beverage to a person under 21 years of age.

- The possession of an alcoholic beverage by a person under 21 years of age.

- Ignite or burn any material containing or producing toxic or hazardous material.

- Carrying of concealed weapons.

#### State and Local Laws

- Failure to comply with all applicable State of New Mexico regulations for boating safety, equipment, and registration.

- Visitor Restrictions—DEVELOPED RECREATION SITES/AREAS AND SPECIAL RECREATION MANAGEMENT AREAS: In addition to the regulations contained in 43 CFR

8356.1, 8365.2 and those listed above, the following visitor restrictions will be applied in accordance with 43 CFR 8365.2: The following activities are prohibited unless authorized by written permit:

- Failure to immediately remove and dispose of in a sanitary manner, all pet fecal material, trash, garbage or waste created.

- Failing to physically restrain a pet at all times within developed campsites and picnic areas. Pets are prohibited where posted on all designated nature or interpretive trails and from entering caves. Animals trained to assist handicapped persons are exempt from this rule.

- Reserving camping space, except at group facilities. Camping space is available on a first-come-first-serve basis.

- Failure to maintain quiet between the hours of 10:00 p.m. to 6:00 a.m. or other hours posted. During this period no person shall create noise which disturbs other visitors.

- More than two motorized vehicles and/or 10 individuals at any one approved site not designated for group use or parking area. Groups exceeding these limits must use a group site or additional designated sites.

- Vehicles off existing or designated roads and trails unless facilities have been specifically provided for such use. Motorized vehicles will be operated for access to and from developed facilities only.

- To park or occupy a parking space posted or marked for handicapped use without displaying an official identification tag or plate.

- Posting or distribution of any signs, posters, printed material, or commercial advertisements.

- The discharge of firearms or other weapons, hunting and trapping within ½ mile of developed recreation sites and areas.

- Using, displaying, or carrying weapons within developed campsites or picnic areas. Long guns shall be broken down or otherwise rendered inoperable and shall be stored out-of-sight.

- Disposing of any waste or grey water except where facilities are provided.

- Bringing equine stock, llama, cattle, or other livestock within campgrounds or picnic areas unless facilities have been specifically provided for such use.

- Gathering or collecting woody plants or any other natural resource, minerals, cultural, or historical artifacts that require permits.

- Cutting or gathering of green trees or their parts or removal of down or standing dead wood for any purpose.

- Not adhering to fire danger ratings issued by government.

- Entering the following caves from October 15 to March 31 of each year: Fort Stanton, Torgac, Torgac Annex, Crockett, Crystal, Big-Eared Cave, Bat Hole, Malpais Madness, Tres Ninos and Feather. Only personnel engaged in authorized scientific bat studies, census, monitoring, and emergencies will be allowed to enter caves during this time, due to bat hibernation.

- Entering a cave without each person wearing a safety helmet (hard hat) with chin strap and at least three sources of light.

- Annoying or disturbing bats at any time.

#### List of Developed Recreation Sites/ Areas and Special Recreation Management Areas

1. Valley of Fires Recreation Area (Roswell Resource Area)

T. 7 S., R. 10 E.,  
Sec. 29, 30.

2. Fort Stanton SRMA (Roswell Resource Area)

T. 9, 10 S., R. 14, 15 E.

3. Mescalero Sands North Dune SRMA (Roswell Resource Area)

T. 10 S., R. 30 E.,  
Sec. 34, 35.

4. Cave SRMA's—McKittrick Hill, Lost Fence Canyon, Manhole, Yellowjacket/Lair, Chosa Draw, Mudgetts, Honest Injun, KFF Caverns, Fort Stanton Cave, Torgac Cave, and Crockett's Cave

5. Dark Canyon SRMA (Carlsbad Resource Area)

T. 24 S., R. 23, 24 E.

6. Lonesome Ridge SRMA (Carlsbad Resource Area)

T. 26 S., R. 22 E.,  
Sec. 19-21, 29-31.

7. Pecos River Canyon Complex (Carlsbad Resource Area)

T. 24, 25 S., R. 29, 30 E.

8. Guadalupe Escarpment Scenic Area (Carlsbad Resource Area)

T. 23-26 S., R. 22-26 E.

9. Alkali Lake Off-road Vehicle Area (Carlsbad Resource Area)

T. 21 S., R. 27 E.,  
Sec. 4, 5, 9.

10. Hackberry Lake Off-road Vehicle Area (Carlsbad Resource Area)

T. 18-20 S., R. 30, 31 E.

11. Pecos River Corridor (Carlsbad Resource Area)

T. 22 S., R. 27 E., river section to T. 26 S.,  
R. 29 E.

12. Chosa Draw SRMA (Carlsbad Resource Area)

T. 25 S., R. 25 E.,  
Sec. 20-22, 27-29, 33.

13. Overflow Wetlands (Roswell Resource Area)

T. 11, 12 S., R. 25, 26 E.

**DATES:** Comments on the proposed visitor restrictions will be accepted until February 23, 1995. Comments received or postmarked after the above date may not be considered in the decision-making process on the final rule making.

**ADDRESSES:** Comments should be sent to the Roswell District Office, 1717 West 2nd, Roswell, New Mexico 88201, Telephone: (505) 627-0272. All written comments made pursuant to this action will be made available for public inspection during normal business hours (7:45 a.m. to 4:30 p.m., MST) at the above address.

**FOR FURTHER INFORMATION CONTACT:** Paul Happel, Natural Resource Specialist, BLM, Roswell District Office, 1717 West 2nd Roswell, New Mexico 88201, Telephone: (505) 627-0203.

**SUPPLEMENTARY INFORMATION:** The Roswell District Manager is establishing these visitor restrictions, which are necessary for the protection of persons, property, and public lands and resources currently under the Bureau's administration within the Roswell District, New Mexico and those lands acquired for inclusion within the administrative jurisdiction of the BLM as provided for in 43 CFR 8365.1-6. These Visitor Restrictions apply to all persons using public lands. Violations of these restrictions are punishable by a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months. Exceptions to the following visitor restrictions may be permitted by the authorized officer subject to limits and restrictions of controlling Federal and State law. Persons granted use exemptions must possess written authorization from the BLM Office having jurisdiction over the area. Users must further comply with the zoning, permitting, rules, or regulatory requirements of other agencies, where applicable.

Dated: January 13, 1995.

**Leslie M. Cone,**

*District Manager.*

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## Fish and Wildlife Service

### Notice of Availability of the Draft Sharon Steel Damage Settlement Restoration Plan: A Concept Document, and Public Informational Meeting for its Review

**AGENCY:** Fish and Wildlife Service, Interior Department.

**ACTION:** Notice of availability and public informational meeting.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces release of the draft Sharon Steel Damage Settlement Restoration Plan: A Concept Document (Concept Plan) for public review. The Concept Plan covers the Service proposal to fund cooperative projects to restore natural resources injured as a result of hazardous materials released from the Sharon Steel Superfund Site, Midvale, Utah. The Concept Plan details the primary steps toward achievement of restoration as— (1) definition of restoration targets in terms of species and habitats, (2) development of criteria for identifying and ranking projects, (3) identification of restoration tools and solicitation of cooperative project proposals, (4) identification and ranking of restoration project proposals, (5) implementation of selected project(s), and (6) long-term monitoring.

**DATES:** Written comments must be submitted on or before March 31, 1995.

**ADDRESSES:** Requests for copies of the Concept Plan may be made to U.S. Fish and Wildlife Service, Salt Lake City Field Office, Lincoln Plaza, 145 East 1300 South, Suite 404, Salt Lake City, Utah 84115.

Written comments or materials regarding the Concept Plan should be sent to the above address.

**FOR FURTHER INFORMATION CONTACT:** Robert D. Williams, Assistant Field Supervisor, or Brandt Gutermuth, Environmental Contaminants Program, at the above Salt Lake City Field Office address (telephone 801/524-5001).

#### SUPPLEMENTARY INFORMATION:

##### Background

A \$2.3 million damage settlement was awarded to the U.S. Department of the Interior (DOI) in compensation for injuries to federal protected trust resources along the Jordan River, Utah, caused by Sharon Steel and Midvale Slag Superfund sites. Under Federal law, these trust resources are specifically protected on behalf of the public and include migratory birds, as well as threatened and endangered species and their habitats.

Consequently, Sharon Steel damage settlement money must be used to restore, replace or acquire the equivalent of the trust resources injured on site and by contaminants from the site.

The DOI and the State of Utah signed a Memorandum of Understanding (MOU) July 11, 1991, to cooperate as trustees in planning and implementing resource restoration with Sharon Steel settlement money. The MOU establishes a Trustee Committee consisting of representatives from DOI and the State of Utah to plan and direct restoration activities.

The Trustee Committee outlined the following project goals: (1) To restore, replace, enhance, or acquire appropriate natural, functioning habitats along the Jordan River corridor for the benefit of identified trust resources; (2) to ensure that funds are utilized to provide maximum benefits for trust resources; and (3) to ensure the provision of benefits to trust resources in perpetuity. Restoration alternatives to meet these goals are identified. These alternatives included (a) no-action or natural recovery, (b) restoration on the Sharon Steel/Midvale Slag sites, and (c) Jordan River corridor replacement/enhancement of habitat for trust resources. Because of its protective and relatively cost effective nature, replacement/enhancement of resources in the Jordan River corridor was chosen as the preferred alternative for enhancement of wetland and riparian migratory bird habitats.

The primary steps toward achievement of project restoration goals were subsequently identified as (1) definition of restoration targets in terms of species and habitats, (2) development of criteria for ranking and selecting projects, (3) identification of restoration tools or activities and solicitation of cooperative project proposals, (4) ranking and selection of specific restoration projects (cooperative proposals) and/or sites, (5) implementation of selected project(s), and (6) monitoring of the project(s) to ensure long-term viability.

The Sharon Steel Damage Settlement Restoration Plan: A Concept Document (Concept Plan) was subsequently drafted to lend guidance in the process and to establish sideboards to guide Jordan River restoration. The Concept Plan proposes to accomplish trust resources restoration by selecting and funding cooperative projects that will be implemented in partnership with State or Federal agencies, county or local governments, or nonprofit organizations. Close cooperation among all programs in the Jordan River corridor