

[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

defined in 36 CFR 60.4, without regard to whether the site has been nominated or accepted.

#### Supplementary Rules—All Public Lands

In addition to regulations contained in 43 CFR 8365.1, the following supplementary rules apply to all public land including those lands acquired or conveyed to the BLM and related waters. The following are prohibited unless authorized by written permit or for administrative use:

##### Sanitation

- To construct or maintain any unauthorized 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 rest room water faucet unless such water source is designated for that purpose.

##### Occupancy and Use

• To camp or occupy any site on public land or any approved location, including those in developed recreation areas and sites or SRMA, 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 14 days 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 camp within 300 yards of any spring, manmade water hole, water well, or watering tank used by wildlife or domestic stock. Hunters with valid hunting licenses may not park within 300 yards of these water sources.

• 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 rock, sand, gravel, and other minerals on or from public land 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.

- 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

- Operation of an off-road vehicle without full time use of an approved spark arrester 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.

- Ignition or burning of any material containing or producing toxic or hazardous material.
  - Carrying of weapons in violation of State or Federal law.
  - Abandonment of animals.

##### State and Local Laws

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

#### Supplementary Rules—Developed Recreation Sites/Areas and Special Recreation Management Areas

In addition to the regulations contained in 43 CFR 8365.1, 8365.2 and those listed above, the following rules will be applied in accordance with 43 CFR 8365.2 The following activities are prohibited unless authorized by written permit or for administrative uses:

- Failure to pay use fees at Aguirre Spring Campground, Dripping Springs Natural Area, Datil Well Campground, or Three Rivers Recreation Area.
- 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 space, except within established guidelines for group facility reservations at Aguirre Spring Campground or Dripping Springs Natural Area. Camping and picnicking space is available on a first-come, first-served 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.
- 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 1/2 mile of developed recreation sites and areas.

- Using, displaying, or carrying loaded weapons within developed campsites or picnic areas.
- 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.
- Unauthorized gathering or collecting woody plants or any other natural resource, minerals, cultural, or historical artifacts that require permits.
- Not adhering to fire danger ratings issued by Government.
- Climbing, walking on, ascending, descending or traversing on the earthwork of Fort Craig National Historic Site, or historic structures within the Dripping Springs Natural Area, the Lake Valley Historic Site, or Fort Cummings.
- Wood fires are prohibited within the Dripping Springs Natural Area unless the firewood is provided by the BLM.
- Aguirre Spring Campground use is limited to overnight campers after 10:00 p.m. The entrance gate will be closed at 8:00 p.m. during summer hours (approximately April 1 to September 30) and at 6:00 p.m. during winter hours (approximately October 1 to March 31).
- The Dripping Springs Natural Area will be managed as a day-use area (no overnight camping). The entrance gate located in T. 23 S., R. 3 E., Section 3 on the Dripping Springs road (controlling access to La Cueva Picnic Area, A.B. Cox Visitor Center, and Dripping Springs Natural Area) will be locked at sunset.
- Pets are prohibited on the Dripping Springs Trail uphill (southeast) of the Crawford Trail junction (located in T. 23 S., R. 3 E., Section 12, NW<sup>1/4</sup>SE<sup>1/4</sup>NE<sup>1/4</sup>). All hikers beyond this point are required to stay on trails or in established use areas in order to reduce damage to the Dripping Springs Ruins and to protect endangered plants in the area.
- Swimming, wading, and bathing are prohibited at the pond at the Dripping Springs Natural Area.
- Discharge of firearms, walking off established trails, or unauthorized overnight camping are prohibited within the fenced enclosure at Fort Cummings, Lake Valley, or the Fort Craig National Historic Site.
- Overnight camping, discharge of firearms, and wood fires are prohibited within The Box Special Management Area.
- Lake Valley Historic Site use is limited to posted hours.

- Pets are prohibited on the Petroglyph Trail and the Pit House Village Trail within the Three Rivers Recreation Area.

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

##### **1. Aguirre Spring Campground (Mimbres Resource Area)**

T. 22 S., R. 4 E., NMPM  
Sec. 29.

##### **2. Dripping Springs Natural Area (Mimbres Resource Area)**

T. 23 S., R. 3 E., NMPM  
Secs. 1, 2.  
T. 23 S., R. 4 E., NMPM  
Sec. 7.

##### **3. Three Rivers Recreation Area (Caballo Resource Area)**

T. 11 S., R. 9 1/2 E., NMPM  
Secs. 17, 20, 21, 28.

##### **4. Datil Well Campground (Socorro Resource Area)**

T. 2 S., R. 10 W., NMPM  
Secs. 10, 11.

##### **5. Fort Craig National Historic Site (Socorro Resource Area)**

T. 8 S., R. 2 W., NMPM  
Secs. 10, 11.

##### **6. Paleozoic Trackways (Mimbres Resource Area)**

T. 22 S., R. 1 E., NMPM  
Sec. 19.

##### **7. Organ Mountains Recreation Lands SRMA (Mimbres Resource Area)**

T. 22-26 S., R. 3-4 E., NMPM

##### **8. Gila Lower Box SRMA (Mimbres Resource Area)**

T. 19 S., R. 19 W., NMPM  
Secs. 7-10, 15-19, 30.  
T. 19 S., R. 20 W., NMPM  
Secs. 13-17, 20-29.

##### **9. Fort Cummings SRMA (Mimbres Resource Area)**

T. 21 S., R. 8 W., NMPM  
Secs. 22, 23.

##### **10. The Box Special Management Area (Socorro Resource Area)**

T. 3 S., R. 1 W., NMPM  
Sec. 31.

##### **11. Lake Valley Historic Site (Caballo Resource Area)**

T. 18 S., R. 7 W., NMPM  
Sec. 28.

**DATES:** Comments on the proposed rule will be accepted until July 7, 1995. Comments received or postmarked after this date may not be considered in the decision-making process on the final rulemaking.

**ADDRESSES:** Comments should be sent to the New Mexico State Director (933), BLM, P.O. Box 27115, Santa Fe, New

Mexico 87502-0115. All written comments made pursuant to this action will be made available for public inspection during normal business hours (8 a.m. to 4 p.m., MST) at 1474 Rodeo Road, Santa Fe, New Mexico 87505.

#### **FOR FURTHER INFORMATION CONTACT:**

- Mark Hakkila, Outdoor Recreation Planner, BLM Mimbres Resource Area, 1800 Marquess, Las Cruces, NM 88005, (505) 525-4341.

- Kevin Carson, Outdoor Recreation Planner, BLM Socorro Resource Area, 198 Neel Ave. NW, Socorro, NM 87801, (505) 835-0412.

- Joe Sanchez, Outdoor Recreation Planner, BLM Caballo Resource Area, 1800 Marquess, Las Cruces, NM 88005, (505) 525-4391.

**SUPPLEMENTARY INFORMATION:** The Las Cruces District Manager is establishing these supplementary rules, which are necessary for the protection of persons, property, and public land and resources currently under the Bureau's administration within the Las Cruces 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 supplementary rules apply to all persons using public land. Violations of these rules are punishable by a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months.

Exceptions to these 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: May 24, 1995.

**Richard A. Whitley,**

*Acting State Director.*

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**BILLING CODE 4310-FB-M**

**[NV-930-1430-01; NVN-59399]**

#### **Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Nevada**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The following described public lands in Lander County, Nevada, have been examined and found suitable for conveyance (patent) to Lander