

Supplementary Rules for Undeveloped BLM-Administered Lands in the States of Montana, North Dakota, and South Dakota

Definitions

Camping: The erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home, or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy. The placing or leaving of unattended motor vehicles, trailers, or other personal property for the purpose of reserving a camping site is considered camping for the purpose of these supplementary rules.

You must follow these rules:

These supplementary rules apply, except as specifically exempted, to all camping on undeveloped public lands managed by the Montana State Office of the Bureau of Land Management within the states of Montana, South Dakota, and North Dakota. These supplementary rules are in effect on a year-round basis and will remain in effect until modified by the BLM.

1. You must not camp longer than 16 consecutive days at any one location.
2. No person or group may camp within a single location on public lands more than 16 days within any period of 30 consecutive days. The 16-day limit may be reached either by compiling individual visits during a 30-day interval, or by occupying a location continuously for 16 days during a 30-day interval. A 16-day interval begins when a person initially camps or leaves vehicles or property at a site on public lands.
3. After 16 days of camping in a single location, you must not camp at that location until at least 30 days have passed, and any camp relocation within that 30-day period shall not be within a one-half mile radius from the original site. Under special circumstances and upon request, the BLM may issue a written permit for extension of the 16-day limit.
4. You must not leave any personal property or refuse after vacating the campsite. This includes any property left for the purposes of use by another camper or occupant.
5. The time such property is left unattended at a site will be counted towards the 16-day camping limit. (Unattended property is still subject to the time limits found in 43 CFR 8365.1–2(b)).
6. The following persons are exempt from these supplementary rules: Any Federal, State, or local officer or employee in the scope of their duties;

members of any organized rescue or fire-fighting force in performance of an official duty; and any person whose activities are authorized in writing by the Bureau of Land Management.

Penalties

The rules we are proposing here provide for penalties that may depend on the location where a violation occurs. The primary statutory authority for proposing these supplementary rules is the Federal Land Policy and Management Act (FLPMA). Section 310 of FLPMA (43 U.S.C. 1740) authorizes us to issue rules and regulations to carry out the purposes of FLPMA and other laws applicable to the public lands. Under section 303(a) of the Federal Land Policy and Management Act, 43 U.S.C. 1733(a), and 43 CFR 8360.0–7, any person who violates any of these supplementary rules on any public lands may be tried before a United States Magistrate and fined no more than \$1,000 or imprisoned for no more than 12 months, or both. Also, such violations may be subject to the enhanced fines provided for by 18 U.S.C. 3571. Under the Taylor Grazing Act, any person who violates any of these supplementary rules on public lands within grazing districts (see 43 U.S.C. 315a), or on public lands subject to a grazing lease (see 43 U.S.C. 315m), may be tried before a United States Magistrate and fined no more than \$500.00. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Any person who violates any of these supplementary rules on public lands managed in accordance with the Sikes Act may be tried before a United States Magistrate and fined no more than \$500 or imprisoned for no more than 6 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of Montana, North Dakota, or South Dakota law.

Gene R. Terland,

Montana/Dakotas State Director, Bureau of Land Management.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–D04–1430–ES; WYW–167587]

Notice of Realty Action: Recreation and Public Purposes Act Classification of Public Lands in Sweetwater County, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for lease and/or conveyance to the Sweetwater County Fire District #1 under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, 20 acres of public land in Sweetwater County, Wyoming. The Sweetwater County Fire District #1 proposes to use the land for a training facility and fire station.

DATES: Interested parties may submit written comments until September 28, 2009.

ADDRESSES: Mail written comments to the Field Manager, Bureau of Land Management, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901.

FOR FURTHER INFORMATION CONTACT: Carol Montgomery, Realty Specialist, Bureau of Land Management, Rock Springs Field Office, at (307) 352–0344.

SUPPLEMENTARY INFORMATION: The following described public land in Sweetwater County, Wyoming, has been examined and found suitable for classification for lease and/or conveyance under the provisions of the R&PP Act, as amended, (43 U.S.C. 869 *et seq.*):

Sixth Principal Meridian

T. 19 N., R. 105 W.,
Sec. 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 20 acres, more or less, in Sweetwater County.

In accordance with the R&PP Act, the Sweetwater County Fire District #1 has filed an R&PP application and plan of development in which it proposes to develop the above described land to construct a proposed training facility and fire station for the purpose of meeting the fire protection needs for the community of Rock Springs. The proposed project will include a parking lot, training tower, and fire station. Additional detailed information pertaining to this application, plan of development, and site plan is in case file WYW167587, located in the Bureau of Land Management (BLM) Rock

Springs Field Office at the above address. The land is not needed for any Federal purpose. Lease and/or conveyance is consistent with the BLM Green River Resource Management Plan dated August 8, 1997, and would be in the public interest. The Sweetwater County Fire District #1 has not applied for more than the 640-acre limitation for non-recreation public uses in a year and has submitted an application in compliance with the regulations at 43 CFR 2741.4(b). The patent or lease, if issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, and will contain the following terms, conditions, and reservations:

1. Provisions of the R&PP Act, including, by not limited to, the terms required by 43 CFR 2741.9.

2. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

3. All minerals, together with the right to prospect for, mine, and remove the minerals under applicable laws and regulations established by the Secretary of the Interior shall be reserved to the United States.

4. Lease and/or patent of the lands shall be subject to all valid existing rights of record documented on the official public land records at the time of lease/patent issuance.

5. Any other reservations that the authorized officer deems appropriate.

6. An appropriate indemnification clause protecting the United States from claims arising out of the lease/patentee's use, occupancy, or operations on the property.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease and/or conveyance under the R&PP Act.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a fire facility. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision or any other factor not

directly related to the suitability of the land for a fire facility.

Confidentiality of Comments: Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Only written comments submitted by postal service or overnight mail to the Field Manager—BLM Rock Springs Field Office will be considered properly filed. Electronic mail, facsimile or telephone comments will not be considered.

Any adverse comments will be reviewed by the BLM State Director, who may sustain, vacate or modify this realty action. In the absence of any adverse comments, the classification of the land described in this notice will become effective October 13, 2009.

Authority: 43 CFR 2740.

Lance Porter,

Field Manager.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTC02200-L14300000-EQ0000; MTM-74913]

Notice of Realty Action; Proposed Amendment to Noncompetitive Land Use Lease; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action and request for public comment.

SUMMARY: On March 6, 2009, the Bureau of Land Management (BLM) received a proposal from Spring Creek Coal Company to amend their existing land use lease, MTM-74913. The BLM is hereby notifying any interested parties of the proposal to amend land use lease MTM-74913 and is accepting comments on the proposed land use lease amendment.

DATES: Interested parties may submit comments on or before September 28, 2009.

ADDRESSES: Written comments should be sent to the Field Manager, Miles City Field Office, Bureau of Land Management, 111 Garryowen Road,

Miles City, Montana 59301. Comments received in electronic form, such as e-mail or facsimile, will not be considered.

FOR FURTHER INFORMATION CONTACT: Information regarding the proposed land use lease amendment and proposed land use may be reviewed at the BLM Miles City Field Office address listed in **ADDRESSES** above during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays. For this and additional information contact Pam Wall, BLM Miles City Field Office, Miles City, Montana 59301, telephone 406-233-2846.

SUPPLEMENTARY INFORMATION: The following described land, associated with the proposed amendment, has been examined and identified as suitable for leasing under section 302 of the Federal Land Policy and Management Act (43 U.S.C. 1732) at not less than fair market value:

Principal Meridian, Montana

T. 8 S., R. 39 E.,

Sec. 35, NE¹/₄NE¹/₄, SE¹/₄NE¹/₄, E¹/₂NW¹/₄NE¹/₄, E¹/₂W¹/₂NW¹/₄NE¹/₄, NW¹/₄NW¹/₄NW¹/₄NE¹/₄, NE¹/₄SW¹/₄NE¹/₄, NE¹/₄SE¹/₄SW¹/₄NE¹/₄, E¹/₂NE¹/₄SE¹/₄, E¹/₂NW¹/₄NE¹/₄SE¹/₄, and NE¹/₄SE¹/₄SE¹/₄.

T. 9 S., R. 40 E.,

Sec. 6, lot 5.

The area described contains 197.12 acres, more or less, in Big Horn County.

The BLM is hereby notifying any interested parties of the proposal to amend land use lease MTM-74913 and is accepting comments on the proposed land use lease amendment.

Spring Creek Coal Company's existing land use lease MTM-74913, which was issued under the authority of section 302 of the Federal Land Policy and Management Act (43 U.S.C. 1732), may be amended to authorize the surface use of 197.12 acres of public land for coal mine layback, a flood control structure, topsoil and overburden stockpiles, and transportation and utility line corridors in order to facilitate the full recovery of coal reserves from their adjoining Federal Coal Lease MTM-94378, Montana State Coal Lease C-1088-05, and for Spring Creek's pending Coal Lease Modification MTM-069782. The layback is a critical component in coal strip mine recovery which consists of a series of benches cut into the mine highwall to stabilize the wall as mining progresses into an area. The lands adjacent to a coal lease need to be disturbed during normal mining operations to completely and safely remove the coal within the lease boundary. The flood control structure