

that the BLM and the ACOE are seasonally restricting access to portions of public lands. On the North Spit of Coos Bay, public access to the Western Snowy Plover HRAs is to be seasonally restricted as follows: the inland Western Snowy Plover HRAs totaling approximately 175 acres located in T. 25 S., R. 14 W., Sections 23, 24, 25, 26 and 35 are to be closed to all public access during the plover breeding season, 15 March–15 September. During the remaining portions of the year (16 September–14 March), these areas are open to non-vehicular recreational use, except for the fenced 1994 HRA and South Spoils area located in section 35. Also closed to all public access during the plover breeding season, 15 March–15 September, is the dry upper portion of the beach (above the mean high tide line) between the Federal Aviation Administration (FAA) tower and a point approximately 200 yards north of the Coos Bay North Jetty to the deflation plain east of the foredune (approx. 78 acres) located in T. 25 S., R. 14 W. Sections 13, 23, 24, 26 and 35. During the closure period, the area will be clearly posted. During the remaining portions of the year (16 September–14 March), these beach areas are open for recreational use, including motorized vehicles.

In addition to the above areas, this notice revises previously published access restrictions to public lands administered by the BLM within the New River Area of Critical Environmental Concern (ACEC). Public access to Western Snowy Plover nesting areas within the ACEC shall be seasonally restricted as follows: The dry upper portion of the beach (above the mean high tide line) to the deflation plain east of the foredune located in the north 0.4 mile of T. 31 S., R. 15 W., Section 8, and the dry upper portion of the beach (above the mean high tide line) to the deflation plain east of the foredune located in T. 30 S., R. 15 W., Sections 3, 10, 15, 21, 22, 28, 32, and 33. Also closed to public access during the plover breeding season is the Western Snowy Plover HRA on the New River Spit located in T. 30 S., R. 15 W., Sections 3, 10, 15, 21, 22, including untreated plover habitat in Sections 21, 28, 32, and 33. All Western Snowy Plover habitat listed above shall be closed to all public access during the plover breeding season, 15 March–15 September with the exception of BLM land located in the south 0.6 miles of T. 31 S., R. 15 W., Section 8, and the south 0.25 mile of T. 30 S., R. 15 W., Section 28. In the event that plovers nest on BLM lands within the New River ACEC

not closed by this notice, BLM will enclose the nest(s), post the immediate area closed, and rope around it to limit disturbance. During the remaining portions of the year (16 September–14 March), these areas are open to non-vehicular public use.

Closure signs will be posted at main entry points to all locations affected by this Notice. Maps of the closure areas and further information may be obtained from the Coos Bay District Office. The described seasonal closures will remain in effect annually until further notice.

Under the authority found in 43 U.S.C. 1733, and 43 CFR 8364.1, the Bureau of Land Management will enforce the following rules on public lands in the area known as North Spit and New River; and under 16 U.S.C. 460d, and 36 CFR 327.12(a) the U.S. Army Corps of Engineers will enforce the following rules on lands administered by the U.S. Army Corps of Engineers in the area known as North Spit:

#### Supplemental Rules for North Spit and New River

##### Sec. 1 Prohibited acts.

(a) Prohibited acts. During the posted dates and within the closed areas, you must not:

- (1) Operate any motorized vehicle.
- (2) Enter by any non-motorized means, including but not limited to foot, bicycle, off road vehicle, horse, or non-powered aircraft.
- (3) Discharge any firearm.
- (4) Start, build or maintain any fire.
- (5) Light or discharge any fireworks or incendiary devices.

(b) Exemptions. The following are exempt from prosecution under the prohibited acts:

1. Any person operating a motorized vehicle on a publicly maintained State or County road;
2. Any Federal, State or local officer or employee in the scope of their duties;
3. Members of any organized rescue or fire-fighting force in the performance of official duty; and
4. Any person authorized in writing by BLM.

##### Sec. 2 Penalties.

On public lands fitting the criteria in the Sikes Act (16 U.S.C. 670), under section 303(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1733(a) and 16 U.S.C. 670j(a)(2). If you violate any of these supplementary rules on public lands within the boundaries established in the rules, you may be tried before a United States Magistrate and fined no more than \$500 or imprisoned for no more than six months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

On all public lands under section 303(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1733(a) and 43 CFR 8360.0–7 if you violate any of these supplementary rules

on public lands within the boundaries established in the rules, you 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. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

On lands managed by the U.S. Army Corps of Engineers under 16 U.S.C. 460d and 36 CFR 327.25 if you violate any of these supplementary rules, you may be fined no more than \$500 or imprisoned for not more than six months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

**Judy E. Nelson,**

*Acting Associate State Director, Oregon/  
Washington Bureau of Land Management.*

**Charles S. Markham,**

*Lieutenant Colonel, EN, Acting Commander,  
U.S. Army Corps of Engineers.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CA–670–1220–00 PD; G0–00]

#### Notice of Supplementary Rule for Public Lands in California

**AGENCY:** Bureau of Land Management, El Centro Field Office, California Desert District, Interior.

**ACTION:** Camping closure of selected Federal lands, Imperial County, CA.

**SUMMARY:** The Bureau of Land Management's (BLM) El Centro Field Office is issuing a supplementary camping closure rule. This rule will apply to public lands located in the East Mesa lying west of the Old Coachella Canal and north of Interstate 8 near Gordon's Well in Imperial County, CA. This rule is being issued to protect the flat-tailed horned lizard and will continue a current camping closure.

**FOR FURTHER INFORMATION CONTACT:** Lynnette Elser, Resources Branch Chief, 1661 So. 4th St., El Centro, CA 92243, (760) 337–4420.

#### SUPPLEMENTARY INFORMATION:

##### I. Discussion of the Supplementary Rule

BLM has determined this rule is necessary to support the decision record for the Western Colorado Desert Routes of Travel Designation (WECO ROT) Plan. Stakeholders participated in the development of this plan and have had opportunity to provide comments on this supplementary rule through the

development of the WECO ROT Plan. This rule is final upon publication and applies to public lands within: SBM, T.16S., R.19E., Secs. 3, 10, 11, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35; T.16S., R.20E., Secs. 30, 31 (those portions lying west of the Old Coachella Canal and north of Interstate 8).

## II. Procedural Matters

### *Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)*

The rule does not represent a government action capable of interfering with Constitutionally-protected property rights. It is simply a ban on certain conduct that has implications to natural and cultural resource protection. Therefore, the Department of the Interior has determined that this rule will not cause a taking of private property or require further discussion of takings implications under this Executive Order.

### *Executive Order 13132, Federalism (Replaces Executive Orders 12612 and 13083)*

This rule will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This rule does not come into conflict with any State law or regulation. Therefore, in accordance with Executive Order 13132, BLM has determined that this rule does not have sufficient federalism implications to warrant preparation of a federalism assessment.

### *Executive Order 12988, Civil Justice Reform*

Under Executive Order 12988, the Office of the Solicitor has determined that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

### *Executive Order 13175, Consultation and Coordination With Indian Tribal Governments (Replaces Executive Order 13084)*

In accordance with Executive Order 13175, we have found that this rule does not include policies that have tribal implications. None of the lands included in this rule affects Indian lands or Indian rights. Coordination was conducted through preparation of the WECO ROT Plan with all affected tribes.

## *Paperwork Reduction Act*

This rule does not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* The information collection requirements contained in this rule are exempt from the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3518(c)(1) because Federal criminal investigations or prosecutions may result from this rule.

## *Authors*

The principal author of this supplementary rule is Chief Ranger Robert Zimmer.

## **Supplementary Rule**

Under 43 CFR 8365.1–6, the Bureau of Land Management will enforce the following rule on the public lands within the East Mesa, El Centro Field Office, California Desert District. A more detailed explanation as to the need for such a rule may be found in the Western Colorado Desert Routes of Travel Designation dated October 2002 and signed January 31, 2003.

You must follow this rule:

1. No person may camp on the public lands within the “No Camping Zone” of the East Mesa Flat-tailed Horned Lizard Management Area. This “No Camping Zone” includes public lands within: SBM, T.16S., R.19E., Secs. 3, 10, 11, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35; T.16S., R.20E., Secs. 30, 31 (those portions lying west of the Old Coachella Canal and north of Interstate 8).

## **Penalties**

Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a) and 43 CFR 8360.0–7 if you violate this supplementary rule on public lands within the boundaries established in the rule, you 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. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Dated: December 29, 2003.

**J. Anthony Danna,**  
*Acting California State Director.*

**Editorial Note:** This document was received in the Office of the Federal Register on April 6, 2004.

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## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Land Management**

[CA–670–1220–00 PD; G0–00]

### **Notice of Supplementary Rule for Public Lands in California**

**AGENCY:** Bureau of Land Management, El Centro Field Office, California Desert District, Interior.

**ACTION:** Camping closure of selected Federal lands, Imperial County, CA.

**SUMMARY:** The Bureau of Land Management’s (BLM) El Centro Field Office is issuing a supplementary camping closure rule. This rule is being issued to protect the flat-tailed horned lizard and will apply to the public lands within the East Mesa Flat-tailed Horned Lizard Management Area and the West Mesa Flat-tailed Horned Lizard Management Area in Imperial County, California. Camping will be allowed only in those areas within fifty (50) feet of the centerline of an approved route.

**FOR FURTHER INFORMATION CONTACT:** Lynnette Elser, Resources Branch Chief, 1661 So. 4th St., El Centro, CA 92243, (760) 337–4420.

### **SUPPLEMENTARY INFORMATION:**

#### **I. Discussion of the Supplementary Rule**

BLM has determined this rule is necessary to support the Decision Record for the Western Colorado Desert Routes of Travel Designation (WECO ROT) Plan. Stakeholders participated in the development of this plan and have had opportunity to provide comments on this supplementary rule through the development of the WECO ROT Plan. This rule is final upon publication and applies to public lands described below (all are San Bernardino Meridian).

#### **East Mesa Flat-Tailed Horned Lizard Management Area**

[East boundary] Beginning in Sec. 31 in T.16S., R.20E. at the intersection of Frontage Road and West Levee Road on the north side of the All-American Canal, then northwest along the West Levee Road (on west levee of Coachella Canal) to Highway 78 (Glamis Highway) in Sec. 35 in T.13S., R.17E.;  
[North boundary] then west on Highway 78 to the intersection with an unnamed dirt road in NW¼NE¼NE¼ Sec. 2 in T.14S., R.16E.;  
[West boundary] then south on this dirt road to the intersection with BLM Route A181 in Sec. 23 in T.14S., R.16E., then south on BLM Route A181 to BLM Route A3410 in Sec. 11 in T.15S., R.16E., then eastward and southward on BLM Route A3410 to BLM Route A357 in Sec. 18 in T.15S., R.17E, then east on BLM Route A357 for about 0.3 miles to the west side of Sec. 17