

Please note: Italics are used in this document to indicate where text should be inserted by author.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FBMS Charge Code

Notice of Proposed Supplementary Rules for Public Lands in *Location(s)*.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Supplementary Rules.

SUMMARY: *Brief summary of proposed rule, ideally no more than three sentences.*

The Bureau of Land Management (BLM) is proposing supplementary rules for all BLM-administered lands within *location(s)*. *Provide a concise description of what conduct the rules would regulate. If the proposed supplementary rules would help enforce decisions in an RMP/ROD or other plan, identify the plan and the date completed.*

DATES: Interested parties may submit written comments regarding the proposed supplementary rules until [INSERT DATE 60 DAYS AFTER PUBLICATION].

ADDRESSES: You may submit comments by mail, electronic mail, or hand-delivery.

Mail or Hand Delivery: *name and address.*

Electronic mail: *email address.*

FOR FURTHER INFORMATION CONTACT: *Name, position, location, address, phone number and email.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

You may mail, email, or hand-deliver comments to *[name]*, at the addresses listed above (See “ADDRESSES”). Written comments on the proposed supplementary rules should be specific and confined to issues pertinent to the proposed rules, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal that the commenter is addressing. The BLM is not obligated to consider, or include in the Administrative Record for the final supplementary rules, comments delivered to an address other than those listed above (See “ADDRESSES”) or comments that the BLM receives after the close of the comment period (See “DATES”), unless they are postmarked or electronically dated before the deadline.

Comments, including names, street addresses, and other contact information for respondents, will be available for public review at *location* listed in “ADDRESSES” during regular business hours (8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays). Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your 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.

II. Background

Describe the relevant location(s) and their resource and/or public safety issues, any relevant land use or travel management plans, and any existing supplementary rules.

Discussion of Proposed Supplementary Rules

Explain the details of the rules. Be sure to provide specific information explaining why the proposed supplementary rules are needed, providing clear rationale and justification.

As needed, explain how the proposed supplementary rules would change or replace existing supplementary rules, and/or how they would implement decisions made in planning documents?

IV. Procedural Matters

Executive Orders 12866 and 13563, Regulatory Planning and Review

Would the proposed supplementary rules be a “significant regulatory action?” Are they subject to review by the Office of Management and Budget under Executive Orders 12866 and 13563? For a definition of “significant regulatory action,” see section 3(f) of Executive Order 12866 at:

<http://govinfo.library.unt.edu/npr/library/direct/orders/2646.html>. See also 76 FR 3821 (Jan. 18, 2011) (text of E.O. 13563).

Clarity of the Supplementary Rules

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. The BLM invites your comments on how to make these proposed supplementary rules easier to understand, including answers to questions such as the following:

(1) Are the requirements in the proposed supplementary rules clearly stated?

- (2) Do the proposed supplementary rules contain technical language or jargon that interferes with their clarity?
- (3) Does the format of the proposed supplementary rules (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- (4) Would the proposed supplementary rules be easier to understand if they were divided into more (but shorter) sections?
- (5) Is the description of the proposed supplementary rules in the SUPPLEMENTARY INFORMATION section of this preamble helpful to your understanding of the proposed supplementary rules? How could this description be more helpful in making the proposed supplementary rules easier to understand?

Please send any comments you have on the clarity of the proposed supplementary rules to the address specified in the ADDRESSES section.

National Environmental Policy Act (NEPA)

Provide an explanation of NEPA findings and how the findings were made. See 43 CFR Part 46.

Regulatory Flexibility Act

Would the proposed supplementary rules have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities? See 5 U.S.C. 601-612.

Small Business Regulatory Enforcement Fairness Act

Would the proposed supplementary rules constitute a “major rule?” See 5 U.S.C. 804(2) (definition of “major rule”).

Unfunded Mandates Reform Act

Would the proposed supplementary rules impose an unfunded mandate on State, local, or tribal governments or the private sector of \$100 million or more per year? Would they have a significant or unique effect on State, local, or tribal governments, or the private sector? Is the BLM required to prepare a statement or plan in order to comply with Subchapter II of the Unfunded Mandates Reform Act? See 2 U.S.C. 1504-1571 (text of Act).

Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights (Takings)

Would the proposed supplementary rules have significant takings implications? Would they be capable of interfering with constitutionally protected property rights? Is a takings assessment required? See 53 FR 8859 (March 15, 1988) (text of E.O. 12630).

Executive Order 13132, Federalism

Would the proposed supplementary rules have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government? Would they conflict with any State law or regulation? Would they have sufficient federalism implications to warrant preparation of a federalism assessment? See 64 FR 43255 (Aug. 10, 1999) (text of E.O.).

Executive Order 12988, Civil Justice Reform

Would the proposed supplementary rules unduly burden the judicial system? Do they meet the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988? See 61 FR 4729 (Feb. 7, 1996) (text of E.O.).

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments

Would the proposed supplementary rules have tribal implications (i.e., would they have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes)? Would they have any bearing on trust lands or on lands for which title is held in fee status by Indian tribes or U.S. Government-owned lands managed by the Bureau of Indian Affairs? See:

<http://www.gpo.gov/fdsys/pkg/FR-2000-11-09/pdf/00-29003.pdf> (text of E.O.)

Executive Order 13352, Facilitation of Cooperative Conservation

Would the proposed supplementary rules impede the facilitation of cooperative conservation? Would they take appropriate account of and consider the interests of persons with ownership or other legally recognized interests in land or other natural resources; properly accommodate local participation in the Federal decision-making process; and provide that the programs, projects, and activities are consistent with protecting public health and safety? See 69 FR 52989 (Aug. 30, 2004) (text of E.O.).

Information Quality Act

Did the BLM conduct or use a study, experiment, or survey or disseminate any information to the public in developing the proposed supplementary rules? If so, did the BLM maintain adequate quality, objectivity, utility, and integrity of the information? See Consolidated Appropriations Act of 2001, Pub. L. No. 106-554, Section 515, 114 Stat. 2763, 2763A154 (2000) (codified at 44 U.S.C. 3516 Note).

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Would the proposed supplementary rules constitute a significant energy action? Would they have an adverse effect on energy supplies, production, or consumption, and have no connection with energy policy? See 66 FR 28355 (May 22, 2001) (text of E.O.).

Paperwork Reduction Act

Do the proposed supplementary rules contain any “collection of information,” as defined at 44 U.S.C. 3502(3) of the Act? If so, the Office of Management and Budget must approve such a collection, unless it has been approved previously. See 44 U.S.C. 3501-3521 (text of Act) and 5 CFR Part 1320 (OMB regulations).

PROPOSED SUPPLEMENTARY RULES

Author

The principal author of these supplementary rules is *insert name, insert title*, Bureau of Land Management.

For the reasons stated in the preamble, and under the authority of 43 CFR 8365.1-6, the state director proposes to establish supplementary rules for public lands managed by BLM in *location OR subject to the [XYZ] plan*, to read as follows:

Definitions

Provide definitions

Prohibited Acts

Provide prohibited acts

Exemptions

The following persons are exempt from these supplementary rules: any Federal, state, local, and/or military employee acting within the scope of their duties; members of any organized rescue or fire-fighting force performing an official duty; and persons, agencies, municipalities or companies holding an existing special-use permit and operating within the scope of their permit.

Penalties

On 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, any person who violates any of these supplementary rules 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 enhanced fines provided for by 18 U.S.C. 3571. *Insert other penalties, if any, that might apply depending on location. Guidance from Solicitors' Office is recommended.*

State Director signs here _____

Insert name of State Director

Bureau of Land Management

State Director, *insert state*