

**SUPPLEMENTARY INFORMATION:** The New Mexico State Director is establishing these supplementary rules for the Albuquerque District, which are needed to protect persons, property and public lands and resources currently under the BLM's administration. These rules also apply to 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 lands. 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 supplementary rules may be allowed by the Authorized Officer under the limits and restrictions of applicable federal and state laws. People granted use exemptions must possess written authorization from the BLM office that has jurisdiction over the area. Users must further comply with the zoning and permitting rules or regulatory requirements of other agencies, where these apply.

So the BLM Albuquerque District can implement these final rules before the beginning of the 1996 summer use season, which starts on Memorial Day weekend, they must be effective on the date of publication. In accordance with the Administrative Procedure Act (5 U.S.C. 531 *et seq.*), the BLM has determined that delaying implementation of these rules for 30 days could impair the protection of persons, property and public lands and resources under the agency's administration. The 30-day delay would be contrary to the public interest and the intended purpose of the rules. The BLM has given interested parties an opportunity to participate in the rulemaking, and has considered public comments in preparing the final rules. Therefore, under the "good cause" exception of the Administrative Procedure Act (5 U.S.C. 553(d)(3)) and as discussed above, the BLM has determined that these final rules are excepted from the 30-day delay of their effective date, and are effective on May 10, 1996.

Dated: April 24, 1996.

Lynn Engdahl,

*Acting State Director, New Mexico.*

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[CA-019-96-1220-24-1A]

### **Availability of Final Clear Creek Management Area Resource Management Plan Amendment and Environmental Impact Statement**

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

**ACTION:** Notice of Availability.

**SUMMARY:** Pursuant to 40 CFR 1501.7 and 43 CFR 1610.2(c), a final Resource Management Plan Amendment/Environmental Impact Statement (RMP Amendment/EIS) has been prepared by the Hollister Resource Area. The final RMP Amendment/EIS describes and analyzes alternative management scenarios for about 50,000 acres of public lands in the Clear Creek Management Area. These lands are located in south San Benito County in central California.

Decisions relating to the management of the Clear Creek Management Area generated by this planning process will supersede those currently in the Hollister RMP. Copies of the final RMP Amendment/EIS can be obtained or reviewed at the Hollister Resource Area Office, 20 Hamilton Court, Hollister, CA 95023. Since the number of copies available is limited, the Hollister Office has also mailed copies to 27 public libraries in the following locations: Antioch, Fresno, Davis, Gilroy, Fairfield, Hanford, Hayward, Livermore, Madera, Menlo Park, Modesto, Monterey, Oroville, Sacramento, San Francisco, San Jose, San Mateo, San Rafael, Santa Clara, Santa Cruz, Seaside, Sunnyvale, Tracy, Vallejo, Visalia and Yuba City. Public review copies are also available at:

- (1) California State Office, 2800 Cottage Way, Sacramento, CA 95825
- (2) Bakersfield District Office, 3801 Pegasus Avenue, Bakersfield, CA 93308

Background information and maps used in developing the final RMP Amendment and EIS can be reviewed at the Hollister Resource Area Office.

**DATES:** The public protest period will run for 30 days after the Environmental Protection Agency (EPA) publishes its notice of availability of this EIS. The publishing date will most likely be May 3, 1996. The public should confirm this date and the end of the protest period by reviewing the EPA Federal Register notice. Protests must be postmarked within 30 days after the EPA has published its notice of availability. Protests must minimally contain the following information: (1) the name, mailing address, telephone number, and interest of the person filing the protest;

(2) a statement of the issue or issues being protested; (3) a statement of the part or parts being protested, citing pages, paragraphs, maps, etc. of the RMP Amendment where practical; (4) a copy of all documents addressing the issue(s) for the record; (5) a concise statement of why you believe the BLM State Director's decision is incorrect.

**ADDRESSES:** Protests should be addressed to: Bureau of Land Management, Division of Planning and Environmental Coordination, 1849 "C" Street NW, Washington, D.C. 20240.

**SUPPLEMENTARY INFORMATION:** The following issues were analyzed and addressed during this planning process: Airborne asbestos emissions, public health risks to environmental asbestos exposure; watershed and riparian resources, endangered and other special status plants and animals, and recreational use. A draft EIS was issued in November of 1993. Six alternatives for management were reviewed in the draft. Alternative 4 of the Draft EIS, which proposed limiting motorcycle use to the Clear Creek watershed while allowing dispersed 4-wheel drive vehicle use in the backcountry, was the BLM proposed alternative. The San Benito Mountain Natural Area was to be expanded to 4,082 acres. Camping would have been eliminated inside the asbestos zone, with the exception of the staging areas. A public wash rack would be constructed, and dust-suppression would be implemented over about 30 miles of main routes. Approximately fifty San Benito evening primrose habitat areas would be protected.

Over 600 comment letters were received from the public and affected agencies. During review of these comments and after reanalysis of Alternative #4, the BLM made several revisions which are published in the Final EIS. Additional impact analysis was incorporated in the biological resource sections. Text in the watershed and soils, human health and recreation sections was modified, expanded and clarified. Additional measures common to all alternatives were drafted, covering education, research, and adherence to best management guidelines for projects affecting watershed stability. Under all alternatives, the 16 known populations of San Benito evening primrose on public land would be protected.

Five of the six alternatives remained unchanged, and one was changed. Alternative 1 remained the "No Action" alternative, whereby management would remain at current levels. Fifteen San Benito evening primrose habitat areas would be protected. Alternative 2 (entitled "Continued Implementation of

the Existing Management Plan") remained that of implementing the existing (1986) management plan but accelerating completion to a five-year schedule. Approximately fifty San Benito evening primrose habitat areas would be protected.

Alternative 3 was modified and is now the BLM-preferred alternative. Under this alternative (entitled "Dispersed OHV Use"), most of the Clear Creek Management Area would be managed under a "Limited Use" designation for off-highway vehicles (OHVs). BLM would, over the next five years, implement a designated route system of about 270 miles. The final mileage available would be dependent on a variety of factors, including protection of T&E plants, maintenance costs, recreation and administrative access requirements, and compliance. Additionally, alternative 3 would limit unrestricted OHV play on "barren" hillslopes to a number of designated play areas. In the transition period, about 207 acres of unrestricted play areas on "barren" hillslopes would be available, (down from about 2,800 available now). This acreage could be adjusted up or down depending on resource inventories. Camping would continue to be allowed at the six Staging Areas and at Oak Flat Campground. Backcountry camping would be allowed in designated areas. The San Benito Mountain Natural Area would be expanded to approximately 4,082 acres (this proposal was unchanged from the draft alternative 3), to include a cross-section of unique ecotones associated with the San Benito Mountain forest. A public wash rack would be constructed and about 30 miles of main routes could be dust-suppressed. Approximately fifty San Benito evening primrose habitat areas would be protected.

Alternative 4, entitled "Restricted OHV use" remains the same as the draft, and is described above in the discussion of the draft EIS. Alternative 5 ("OHV Closure"), closed the CCMA to motorcycles and restricted 4-wheeled vehicles to the main County road system (about 30 miles). Camping would be limited to Oak Flat Campground only. The San Benito Mountain Natural Area would be expanded to 4,082 acres. Approximately fifty-eight San Benito evening primrose habitat areas would be protected. Alternative 6, ("Enhancement of Natural Values") would allow vehicle use as under Alternative 5, but would expand the San Benito Mountain Natural Area to include the entire serpentine outcropping (about 30,000 acres). Approximately fifty-eight San Benito evening primrose habitat areas would be protected.

Public participation has occurred throughout the planning process and is encouraged. Anyone wishing additional information may contact the Hollister Resource Area Office, located at 20 Hamilton Court, Hollister, CA 95023 (phone: 408-637-8183).

Dated: May 3, 1996.

Robert E. Beehler,

*Hollister Area Manager.*

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#### [CA-019-96-1220-24-1A]

#### **Availability of Proposal To Expand Boundaries of an Existing Area of Critical Environmental Concern (ACEC) in the Clear Creek Management Area, To Rename the San Benito Mountain Outstanding Natural Area To the San Benito Mountain Research Natural Area; Availability of Completion of Previous Planning Decision To Reincorporate 380-Acre San Benito Mountain Natural Area Extension**

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

**ACTION:** Notice of availability.

**SUMMARY:** Pursuant to 43 CFR 1610.2 (c) and 43 CFR 1610.7(1)(b), a final Resource Management Plan Amendment/Environmental Impact Statement (RMP Amendment/EIS) has been prepared by the Hollister Resource Area. The final RMP Amendment/EIS describes and analyzes alternative management scenarios for about 50,000 acres of public lands in the Clear Creek Management Area. These lands are located in south San Benito and Fresno Counties in central California. This Federal Register notice provides notice about decisions and/or proposed actions regarding two existing designations within the Clear Creek Management Area. The first notice is with regard to the Serpentine Area of Critical Environmental Concern (ACEC), and the second is with regard to the San Benito Mountain Outstanding Natural Area.

(1) Serpentine Area of Critical Environmental Concern. One of the decisions proposed in the Final EIS and RMP Amendment is to expand the existing Serpentine ACEC. The 23,834-acre ACEC was originally designated in 1984 through the public planning process. The Serpentine ACEC was designated because soils in the area contain natural asbestos and there are health issues associated with recreating in the area. It was also designated an ACEC because the vegetative

communities associated with serpentine soils are quite unusual.

The Serpentine ACEC boundary was reviewed in 1992 during the EIS process, and adjustments were made based upon soil surveys. The map provided with the final EIS reflects the new known boundaries of the serpentine mass on public land. The adjustments result in a proposed addition of about 10%, or about 2,500 acres, to the geologic boundary line. The changes can be viewed in the "Errata Sheet" map included in the Final EIS, or can be reviewed at the locations listed below. The legal description will be published with the Record of Decision for the Final EIS.

(2) San Benito Mountain Natural Area: Given the heavy emphasis of research suggested for this area, the BLM is proposing to change the name of the Natural Area to the "San Benito Mountain Research Natural Area". Management of the Natural Area would remain as described in the Final EIS, and the name change would be consistent with the proposed primary use of the area. Finally, to formalize and complete the designation process for this Natural Area, the public is hereby notified that a 380-acre extension approved for re-incorporation under previous planning efforts is now formally re-incorporated into the San Benito Mountain Natural Area. The legal description of this extension is:

Mount Diablo Meridian, California

T. 18S R. 12E

Sec. 14, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

T. 18S R. 12E

Sec. 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and E $\frac{1}{2}$ E $\frac{1}{2}$ ;

In the original 1971 Federal Register notices, the legal description had a typographical error and one omission; both of these have been corrected. Additional copies of maps of both areas and background information can be obtained or reviewed at the Hollister Resource Area Office, 20 Hamilton Court, Hollister, CA 95023. Copies of the Final EIS and maps are available at 27 public libraries in the following locations: Antioch, Fresno, Davis, Gilroy, Fairfield, Hanford, Hayward, Livermore, Madera, Menlo Park, Modesto, Monterey, Oroville, Sacramento, San Francisco, San Jose, San Mateo, San Rafael, Santa Clara, Santa Cruz, Seaside, Sunnyvale, Tracy, Vallejo, Visalia and Yuba City. Public review copies are also available at:

- (1) California State Office, 2800 Cottage Way, Sacramento, CA 95825.
- (2) Bakersfield District Office, 3801 Pegasus Avenue, Bakersfield, CA 93308