

## II. Discussion of the Supplementary Rules

The Utah State Director of the Bureau of Land Management is establishing these supplementary rules under 43 CFR 8365.1–6. They are necessary for the protection of persons, property and public lands and resources within—

- The Little Sahara Special Recreation Management Area,
- Lands acquired for inclusion in the Little Sahara Special Recreation Management Area, and
- All lands that may be incorporated into the Little Sahara Special Recreation Management Area.

These rules are in addition to and supplement the regulations found in 43 CFR part 8300.

The affected lands are located in the following areas:

### Salt Lake Base Meridian

#### T.12S., R.4W.

- Sec. 19, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;
- Sec. 20, W $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 28, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;
- Sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and SE $\frac{1}{4}$ ;
- Secs. 30 to 33, inclusive;
- Sec. 34, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ .

#### T.13S., R.4W.

- Secs. 3 to 10, inclusive;
- Sec. 15, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Secs. 16 to 21, inclusive;
- Sec. 22, NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;
- Sec. 28, lots 1, 2, 3, and 4;
- Sec. 29, lots 1, 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW, and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 30 and 31;
- Sec. 32, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ .

#### T.14S., R.4W.

- Sec. 5, lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Secs. 6 and 7;
- Sec. 8, W $\frac{1}{2}$ ;
- Sec. 17, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;
- Sec. 18, T.12S., R.5W.;
- Sec. 24, S $\frac{1}{2}$ ;
- Sec. 25 to 29, inclusive;
- Sec. 30, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;
- Secs. 31 to 36, inclusive.

#### T.13S., R.5W.

- Secs. 1 to 36, inclusive.

#### T.14S., R.5W.

- Secs. 1 to 5, inclusive;
- Sec. 6, lots 1 to 9, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;
- Sec. 7, E $\frac{1}{2}$ ;
- Secs. 8 to 15, inclusive;
- Sec. 16, N $\frac{1}{2}$ ;
- Sec. 17, N $\frac{1}{2}$ ;
- Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;
- Secs. 22 to 24, inclusive.

## III. Procedural Requirements

### *Executive Order 12866, Regulatory Planning and Review*

These supplementary rules are not a significant regulatory action and are not subject to review by Office of

Management and Budget under Executive Order 12866. These supplementary rules will not have an effect of \$100 million or more on the economy. They are directed at preventing unlawful personal behavior on public lands, for purposes of protecting public health and safety. They will not adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities. These proposed supplementary rules will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The supplementary rules do not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients; nor do they raise novel legal or policy issues. The supplementary rules merely enable BLM law enforcement personnel to enforce state laws where appropriate on public lands.

### *National Environmental Policy Act*

BLM has prepared an environmental assessment (EA) and has found that the supplementary rules do not constitute a major Federal action significantly affecting the quality of the human environment under section 102(2)(C) of the Environmental Protection Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). The supplementary rules will enable BLM law enforcement personnel to cite persons not obeying the rules of the Little Sahara Special Recreation Area for the purpose of protecting public health and safety. BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record at the address specified in the ADDRESSES section.

### *Regulatory Flexibility Act*

Congress enacted the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601–612, (RFA) to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule will have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The supplementary rules do not pertain specifically to commercial or governmental entities of any size, but contain rules to protect the health and safety of individuals, property, and resources on the public lands. Therefore, BLM has determined under the RFA that these supplementary rules will not have a significant economic

impact on a substantial number of small entities.

### *Small Business Regulatory Enforcement Fairness Act (SBREFA)*

These supplementary rules do not constitute a “major rule” as defined in SBREFA (5 U.S.C. 804(2)). Again, the supplementary rules pertain only to individuals who may use the public lands. In this respect, the regulation of such use is necessary to protect the public lands and facilities and those, including small business concessioners and outfitters, who use them. The supplementary rules have no effect on business-commercial or industrial use of the public lands.

### *Unfunded Mandates Reform Act*

These supplementary rules do not impose an unfunded mandate on state, local, or tribal governments or the private sector of more than \$100 million per year; nor do these supplementary rules have a significant or unique effect on state, local, or tribal governments or the private sector. The supplementary rules do not require anything of state, local, or tribal governments. Therefore, BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*)

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

The supplementary rules do not represent a governmental action capable of interfering with constitutionally protected property rights. The supplementary rules do not address property rights in any form, and do not cause the impairment of anyone’s property rights. Therefore, the Department of the Interior has determined that the supplementary rules will not cause a taking of private property or require further discussion of takings implications under this Executive Order.

### *Executive Order 13132, Federalism*

The supplementary rules 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. The supplementary rules apply in only one state, Utah, and do not address jurisdictional issues involving the state government. Therefore, in accordance with Executive Order 13132, BLM has determined that these supplementary rules do not have sufficient Federalism