

enforcement provision in the proposed special rules do not include any language requiring or authorizing forfeiture of personal property or any property rights. E.O. 12630 addresses concerns based on the Fifth Amendment dealing with private property taken for public use without compensation. The land covered by the special rules are public lands managed by the Bureau of Land Management; therefore no private property is affected. A takings implications assessment is not required.

#### *Federalism (E.O. 13132)*

In accordance with Executive Order 13132, BLM finds that these special rules do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. The special rules do not have substantial direct effects 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 special rules do not preempt state law.

#### *Civil Justice Reform (E.O. 12988)*

In accordance with Executive Order 12988, the Office of the Solicitor has determined that these special rules do not unduly burden the judicial system, and that they meet the requirements of sections 3(a) and 3(b)(2) of the Order.

#### *Consultation and Coordination With Indian Tribal Governments (E.O. 13175)*

In accordance with Executive Order 13175, we find this final special rules does not include policies with tribal implications. The special rules would not affect lands held for the benefit of Indians, Aleuts, and Eskimos.

#### *Paperwork Reduction Act*

These special rules do not contain information collection requirements the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

#### *National Environmental Policy Act*

These special rules were considered in the Lower Deschutes River Management Plan and Environmental Impact Statement, published in January 1993, which is on file and available to the public in the BLM Administrative Record at the address specified in the **ADDRESSES** section. The special rules themselves should not have a significant effect on the human environment. They are principally rules of conduct intended to protect human health and safety, minimize environmental degradation, and ensure that use of the

river and associated facilities are properly authorized.

#### **Clarity of This Regulation**

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make these special rules easier to understand, including answers to questions such as the following:

- (1) Are the requirements in the special rules clearly stated?
- (2) Do the special rules contain technical language or jargon that interferes with its clarity?
- (3) Does the format of the special rules (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity?
- (4) Would the special rules be easier to understand if it were divided into more (but shorter) sections?
- (5) Is the description of the special rules in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful in understanding the interim final rule? What else could we do to make the interim final special rules easier to understand?

If you have any comments on how we could make these special rules easier to understand, in addition to sending the original to the address shown in **ADDRESSES**, above, please send a copy to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street NW, Washington, DC 20240. You may also e-mail the comments to this address: [Execsec@ios.doi.gov](mailto:Execsec@ios.doi.gov).

The authority for these special rules is found in 43 U.S.C. 1733; 43 CFR 8351.2-1.

#### **Special Rules for Lower Deschutes River Corridor**

Under 43 CFR 8351.2-1, the Bureau of Land Management will enforce the following rules year round within the Lower Deschutes Wild and Scenic River corridor.

##### *Section 1 Definitions*

The following definitions will apply to the rules:

**Approved portable toilet** means any non-biodegradable, rigid, durable, container designed to receive and hold human waste, in any container position, without leaking, and equipped with a dumping system that allows the container to be emptied into a standard receiving or dump system designed for that purpose, such as a SCAT machine or recreational vehicle dump station, in a sanitary manner, without spills, seepage, or human exposure to human waste.

**Boat** means every watercraft or device used as a means of transport on the water.

**Camping** means erecting a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, or parking a motor vehicle, trailer, or mooring a boat for apparent overnight occupancy.

**Designated campsite** means a BLM-designated campsite, marked with a visible number mounted on a post or placard.

**Developed area** is a site or area that contains structures or capital improvements primarily used by the public for recreational purposes. This may include such features as: delineated spaces for parking, camping or boat launching; sanitary facilities; potable water, grills or fire rings; tables; or controlled access.

**Developed toilet facility** is a vault type toilet provided by the Bureau of Land Management or Oregon State Parks and Recreation Commission.

**Display intent to remain overnight** means any off-loading onto the riverbank, or preparing for use, common overnight camping equipment such as tents, sleeping bags or bedding, food, cooking or dining equipment, or lighting equipment, or to prepare common camping equipment for use in or on any boat.

**Excessive noise** is any noise which is unreasonable, considering the location, time of day, impact on river users, or other factors which govern the conduct of a reasonably prudent person under the circumstances.

**Firearm** means a weapon, by whatever name known, which is designed to expel a projectile by the action of powder and readily capable of use as a weapon.

**Fireworks** means any combustible or explosive composition or substance or any combination of any such composition or substances or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges, or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, skyrockets, wheels, colored fires, fountains, mines, serpents, or any other article of like construction or any article containing any explosive or flammable compound or any tablets or other device containing any explosive substance or flammable compound.

**Group** means any number of persons affiliated together with a common goal to recreate with each other in activities