

promulgation of a special regulation. Under 36 CFR 2.16, Horses and pack animals, the Superintendent is only required to designate areas where a horse may be used, not promulgate a special regulation.

3. *Comment:* Two commentors felt that other trails in the park would be more suitable for mountain bike use instead of this trail.

*Response:* The scope of the project was limited to the Cactus Forest Trail inside the Cactus Forest Loop Road. As the General Management Plan proceeds, other areas may be considered for bike use as well.

4. *Comment:* Many commentors did not feel that bicycles had caused unacceptable impacts to the Cactus Forest Loop Trail in the past and therefore should not be prohibited from using that trail now.

*Response:* The NPS would agree that based on previous monitoring and information compiled during the environmental assessment, bicycles have not created unacceptable impacts to the trail and continued use is appropriate.

5. *Comment:* Having the trail open to mountain bike use provides economic benefit to the community as well as health benefits to users and should continue to be allowed.

*Response:* Although the NPS believes that economic benefits resulting from reopening the trail to mountain bike use would be negligible, the NPS would generally agree that continued bike use will provide positive recreational benefits to the community and continued bike use is appropriate.

6. *Comment:* One commentor suggested the NPS charge a small fee to each bicycle rider for use of the trail to offset the cost of maintaining the trail for bicycle use.

*Response:* The NPS charges a \$6.00 entrance fee to the paved loop road and the Cactus Forest Trail is not accessible to bicyclists except from this road. Thus, all bicyclists using this trail are already paying the park's entrance fee. The NPS believes that the impacts created by mountain bike use on this trail are not significant enough to warrant the cost of collecting an additional fee for this type of use. In addition, some of the maintenance work done on the trail is donated by local mountain bike user groups at little to no expense to the NPS.

## Compliance With Other Laws

### *Regulatory Planning and Review (Executive Order 12866)*

This document is not a significant rule and is not subject to review by the

Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It 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.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. Actions taken under this rule will not interfere with other agencies or local government plans, policies, or controls. This is an agency specific rule. The Pima County Parks and Recreation Department supports the establishment of this rule.

(3) This rule does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. This rule will have no effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. No grants or other forms of monetary supplements are involved.

(4) This rule does not raise novel legal or policy issues. This rule implements the servicewide bicycle regulation with respect to a specific route in Saguaro National Park.

### *Regulatory Flexibility Act*

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

There are no businesses in the surrounding area economically dependent on continued mountain bike use on this trail. The park does not have any mountain bike rental concessioners and the users are mainly private individuals using the trail for recreational purposes.

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

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of \$100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

### *Unfunded Mandates Reform Act*

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector.

### *Takings (Executive Order 12630)*

In accordance with Executive Order 12630, the rule does not have significant takings implications. A taking implications assessment is not required. No taking of personal property will occur as a result of this rule.

### *Federalism (Executive Order 13132)*

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This Final rule only affects use of NPS administered lands and waters. It has no outside effects on other areas and only allows use within a small portion of the park.

### *Civil Justice Reform (Executive Order 12988)*

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

### *Paperwork Reduction Act*

This regulation does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required. An OMB form 83-I is not required.

### *National Environmental Policy Act*

The National Park Service has analyzed this rule in accordance with the criteria of the National Environmental Policy Act and has prepared an Environmental Assessment (EA). A copy of the EA is available by contacting the Superintendent, Saguaro National Park, 3693 South Old Spanish Trail, Tucson, Arizona 85730-5601. The EA may also be viewed via the internet at <http://www.nps.gov/sagu/CactusTrailEA.pdf>.

### *Government-to-Government Relationship with Tribes*

In accordance with the President's memorandum of April 29, 1994, "Government to Government Relations with Native American Tribal Governments" (59 FR 22951) and 512 DM 2:

We have evaluated potential effects on federally recognized Indian tribes