

approaching close enough to create a hazard.

9. Exceeding Oregon State noise standards for motorboats.

10. Violating any Oregon State Marine Board Regulation.

11. Failing to complete boater registration when requested to do so by agency personnel.

12. Launching or taking out watercraft in an area designated as closed to this activity.

13. Securing any person(s), inner tube, float tube, boogie board, surf board, or other similar water toys used for transport of persons or property, or in or on the waters of the Deschutes River, to the river bank or to any tree, fixed object, or anchoring device on lands adjacent to the river bank or to any such object or device within the boundaries of the river and river banks of the Deschutes River by any cable, rope, line, bungee cord, or other means except to secure boats to the river bank as a normal and recognized necessity. No person shall hold on to any such line or to any device secured to such line in order to ride or be transported into any channel of the Deschutes River.

14. Securing any cable, rope, line, or bungee cord or any device across the river except as necessary for rescue and/or salvage operations and other necessary uses upon consent of the managing agencies of the Confederated Tribes of the Warm Springs, Oregon Parks and Recreation Department, Bureau of Land Management, and Oregon State Police. Exception: the cables presently in place across the Deschutes River at Dant, the upstream area (approximately river mile 52) of the City of Maupin, and the flow station cable car crossing upstream from Deschutes State Park are exempt from these special rules.

#### *i. Alcoholic Beverages and Controlled Substances*

1. Violating any prohibitions relating to liquor as found in the Oregon Criminal Code, Title 37, Chapter 471.

2. Committing any open container violation as found in the Oregon Vehicle Code 811.170.

3. No person under the influence of intoxicating liquor or controlled substance shall operate, propel, or be in actual physical control of a boat upon the water. Not less than .08 percent by weight of alcohol in a person's blood constitutes being under the influence of intoxicating liquor.

4. No owner of a boat or person in charge or in control of a boat shall authorize or knowingly permit a boat to be propelled or operated upon the water by any person who is under the

influence of intoxicating liquor or a controlled substance.

5. Operating or being in actual physical control of a motor vehicle is prohibited while the operator:

i. Is under the influence of alcohol, or a drug, or drugs, or inhalant, or any combination thereof, to a degree that renders the operator incapable of safe operation; or

ii. Has .08 percent or more by weight of alcohol in the blood of the operator.

6. The provisions in paragraphs (i)(3), (i)(5)(i), and (i)(5)(ii) above also apply to an operator who is or has been legally entitled to use alcohol or another drug.

7. Cultivating, manufacturing, delivering, or trafficking a controlled substance, as defined in 21 U.S.C. 802(6) and 812 and 21 CFR 1308.11-1308.15, except when distribution is made by a licensed practitioner in accordance with applicable law. For the purposes of this paragraph, delivery means the actual, attempted or constructive transfer of a controlled substance whether or not there exists an agency relationship; or

8. Possessing a controlled substance, as defined in 21 U.S.C. 802(6) and 812 and 21 CFR 1308.11-1308.15, unless such substance was obtained, either directly or pursuant to a valid prescription or order of as otherwise allowed by Federal or State law, by the possessor from a licensed practitioner acting in the course of professional practice.

#### *j. Interfering With Agency Functions*

1. Threatening, resisting, intimidating, or intentionally interfering with a government employee volunteer, or agent engaged in an official duty, or on account of the performance of an official duty.

2. Violating the lawful order of a government employee or agent authorized to maintain order and control public access and movement during fire fighting operations, search and rescue operations, wildlife management operations involving animals which pose a threat to public safety, law enforcement actions, and emergency operations that involve a threat to public safety or public land resources, or other activities where the control of public movement and activities is necessary to maintain order and public safety.

3. Knowingly giving a false or fictitious report or other false information:

i. To an authorized person investigating an accident or violation of law or regulation, or

ii. On application for a permit.

4. Knowingly giving a false report for the purposes of misleading a government employee or agent in the conduct of official duties, or making a false report that causes a response by the United States to a fictitious event.

#### **Sec. 3. Penalties**

On public lands, under 43 CFR 8351.2-1, any person who violates any of these special rules may be tried before a United States Magistrate and fined up to \$500 or imprisoned for up to 6 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

**Marci L. Todd,**

*Acting District Manager, Prineville District.*

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## **DEPARTMENT OF THE INTERIOR**

### **Bureau of Land Management**

**[CA-190-04-1610-DP]**

#### **Notice of Intent To Prepare a Resource Management Plan Revision/ Environmental Impact Statement**

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

**ACTION:** Notice of intent.

**SUMMARY:** This Notice of Intent was developed under the authority of the planning regulations (43 CFR 1610.2 (c)). Pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA) and section 102 (2)(C) of the National Environmental Policy Act of 1969 (NEPA), the Bureau of Land Management (BLM), Hollister Field Office will prepare a Resource Management Plan (RMP) Revision and Environmental Impact Statement (EIS) for approximately 278,000 acres of public land. The planning area is located within portions of the following counties: Alameda, Contra Costa, Fresno, Madera, Merced, Modesto, Monterey, San Benito, San Joaquin, San Mateo, Santa Clara, Santa Cruz, and Stanislaus. The revised land use plan will establish land use management policy for multiple resource uses and will guide resource management in these areas into the foreseeable future. The RMP Revision will be prepared under guidance provided through 43 CFR part 1600 (BLM Planning Regulations). The BLM will work closely with interested parties to identify issues, resolve disputes, and develop management actions that are best suited to the management of the resources and the needs of the public.

This collaborative process will take into account local, regional, and national concerns. This Notice formally initiates the public scoping process to identify planning issues and to review preliminary planning criteria.

**DATES:** This notice initiates the public scoping process. Public scoping comments and resource information submissions will be most effective if submitted within 90 days of publication of this notice. Public meetings, public comment periods, and comment closing dates will be announced through local news media, and newsletters.

**ADDRESSES:** Written comments should be sent to "RMP COMMENTS", BLM, Hollister Field Office, 20 Hamilton Court, Hollister, CA, 95023. Fax: 831-630-5055. Documents pertinent to this proposal may be examined at the Hollister Field Office. Comments, including names and street addresses of respondents, will be available for public review at the Hollister Field Office during regular business hours, 7:30 a.m. to 4 p.m., Monday through Friday, except holidays, and may be published as part of the RMP/EIS.

Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. BLM will not consider anonymous comments. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

**FOR FURTHER INFORMATION CONTACT:** George E. Hill, Assistant Field Manager, BLM, Hollister Field Office, 20 Hamilton Court, Hollister, CA, 95023, phone: 831-630-5036. To have your name added to our mailing list, contact Lesly Smith, Outdoor Recreation Planner, BLM, Hollister Field Office, 20 Hamilton Court, Hollister, CA, 95023, phone: 831-630-5015.

**SUPPLEMENTARY INFORMATION:** Opportunities to participate will occur throughout the planning process. To ensure local community participation and input, public scoping meetings will be held, at a minimum, in three towns strategically located in or near the planning area. Early participation by all interested parties is encouraged and will help guide the planning process and determine the future management of public lands. All activities where the public is invited to attend will be

announced at least 15 days prior to the event in local news media. The minutes and list of attendees for each meeting will be available to the public and open for 30 days to any participant who wishes to clarify their views. Written comments will be accepted throughout the planning process at the address shown above. Additional formal opportunities for public participation and comment will be provided upon publication of the draft RMP Revision and draft EIS.

Preliminary issues and management concerns have been identified by BLM personnel, other agencies, and in meetings with individuals and user groups. The preliminary issues are: Management of public land resources at the watershed level; off-highway vehicle management and designations; management of ecosystems and riparian areas to maintain and improve properly functioning conditions; implementation of the Federal Wildland Fire Policy; fluid and solid mineral development; effects of urban interface and meeting the needs of local and regional communities; land tenure adjustments; status of Areas of Critical Environmental Concern and consideration of lands for special management designation; identification of resource values on recently acquired public lands; sustaining traditional practices of Native American cultures; and providing recreation opportunities to meet the recreation demand.

Preliminary management concerns include: Management of current and future special status species; addressing impacts to human health and resources from past mining activities; addressing resource management impacts to air quality in non-attainment areas; reducing impacts to watershed resources and water quality; disproportionate impacts to disadvantaged communities resulting from execution of land management decisions (Environmental Justice Executive Order 12898); the potential for the spread of noxious weeds; and the management of designated streams (Clean Water Act, section 303(d)).

These preliminary issues will be further redefined by direct input through active public participation. The public is encouraged to help identify issues, questions, and concerns during the scoping phase. An interdisciplinary approach will be used to develop the plan in order to consider the variety of resource issues and concerns identified. The interdisciplinary team involved in the planning process will include specialists with expertise in minerals and geology, forestry, range, fire and fuels, outdoor recreation, archaeology,

paleontology, wildlife and fisheries, lands and realty, hydrology, soils, air quality, sociology and economics.

Planning criteria will be developed during public scoping to help guide the planning effort. Preliminary planning criteria being considered for the Hollister planning effort require that BLM: Recognize valid existing rights; comply with existing law, executive orders, regulation, and BLM policy and program guidance; seek public input; consider adjoining non-public lands when making management decisions to minimize land use conflicts; consider planning jurisdictions of other federal agencies, and state, local and tribal governments; develop reasonable and sound alternatives; use current scientific data to evaluate appropriate management strategies; analyze socioeconomic effects of alternatives along with the environmental effects; carry forward valid analysis from existing documents and incorporate the Rangeland Health Standards and Guidelines and the Hollister Oil and Gas RMP amendment. The Hollister Field Office is presently managed under the Hollister RMP (1984, as amended). Information and decisions from the existing Hollister RMP will be reviewed and incorporated in this plan revision to the extent possible. Management will continue under the Hollister RMP until the revised RMP is approved.

Dated: January 28, 2004.

**Robert E. Beehler,**  
*Field Manager.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-030-1610-DO]

#### **Revised Notice of Intent To Prepare an Amendment to the Carson City Field Office Consolidated Resource Management Plan, Known as the Churchill County Plan, and Associated Environmental Impact Statement**

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

**ACTION:** Revised Notice of Intent (NOI) to prepare an amendment to the Bureau of Land Management (BLM) Carson City Field Office (CCFO) Consolidated Resource Management Plan (CRMP), known as the Churchill County Plan, and associated Environmental Impact Statement (EIS).

**SUMMARY:** This document provides notice that the BLM has revised the