

N.10.1 Definitions

The following definitions apply to the proposed supplementary rules, unless modified within a specific part or regulation:

- (a) Drug paraphernalia means equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance. It includes diluting agents or substances.
- (b) Motor vehicle means any vehicle that is self-propelled by a non-living power source, including a vehicle that is propelled by electric power. Exempt from this definition are motorized wheelchairs.
- (c) Operator means any person who operates, drives, controls, or otherwise has charge of a mechanical mode of transportation or any other mechanical equipment.
- (d) Public lands mean any lands owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management without regard to how the United States acquired ownership. This includes paved or unpaved parking lot or other paved or unpaved area where vehicles are parked or areas where the public may drive a motorized vehicle, paved or unpaved roads, routes, or trails.
- (e) Firearms means any weapon capable of firing a projectile, including but not limited to a rifle, shotgun, handgun, BB-gun, pellet gun, or paintball gun.
- (f) Airsoft and Paintball activities mean any recreational activity that involves the use of replica firearms to fire non-lethal, plastic or form pellets, or paint-laden capsule, through the use of compressed gas or electric and/or spring driven pistons. Activities may include shooting targets or games/combat situations involving multiple people.
- (g) Sunrise to sunset means those specific times published by the US Navy Astronomical Applications Department, when the upper edge of the disk of the Sun is on the horizon, considered unobstructed relative to the location of interest.
- (h) Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface by any graffiti implement, to the extent that the graffiti was not authorized in advance by the Bureau of Land Management.
- (i) Graffiti implement means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

N.10.2 Alcohol and Drugs

- (a) ***Operation of a Motor Vehicle while under the influence of alcohol or drugs***—It shall be illegal to operate or be in actual physical control of a motor vehicle on public lands while under the influence of alcohol, or a drug, or drugs or any combination thereof, to a degree

that renders the operator incapable of safe operation of that vehicle; or the alcohol concentration in the blood or breath is 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. If the State of California establishes by statute a more restrictive standard of alcohol concentration than that defined in this supplementary rule, that more restrictive standard is hereby adopted and made a part of this supplementary rule and supersedes the standard specified in the preceding sentence.

- (b) ***Open Container of Alcoholic Beverage***—It shall be illegal to carry or store a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal is broken or the contents of which have been partially removed, within a motor vehicle on public lands. Each person within a motor vehicle is responsible for complying with the provision in this section that pertains to carrying an open container. The operator of a motor vehicle is the person responsible for complying with the provisions of this section that pertain to the storage of an open container. This section does not apply to:
- (i) An open container stored in the trunk of a motor vehicle or, if a motor vehicle is not equipped with a trunk, to an open container stored in some other portion of the motor vehicle designed for the storage of luggage and not normally occupied by or readily accessible to the operator or passengers. For the purpose of this section, a utility compartment or glove compartment is deemed to be readily accessible to the operator and passengers of a motor vehicle; or
 - (ii) An open container stored in the living quarters of a motor home or camper; or
 - (iii) Unless otherwise prohibited, an open container carried or stored in a motor vehicle that is parked and the vehicle's occupant(s) are camping.
- (c) ***Possession of Alcohol by a Minor***—Consumption or possession of any alcoholic beverage by a person under 21 years of age and the selling, offering to sell, or otherwise furnishing or supplying any alcoholic beverage to a person less than 21 years of age, on public lands is prohibited. This does not apply to the selling, handling, serving, or transporting of alcoholic beverages by a person in the course of his lawful employment by a licensed manufacturer, wholesaler, or retailer of alcoholic beverages.
- (d) ***Possession of Drug Paraphernalia***—Possession of drug paraphernalia, as defined in C.1 – Definitions (a), by any person on public lands is prohibited.

N.10.3 Camping

- (a) ***Camping Time Limit***—Camping within designated campgrounds is limited to 14 days within any 90-day period; unless otherwise noted at the campground.
- (b) ***Dispersed Camping Time Limit***—Dispersed camping is limited to 14 days within any 90-day period. After the 14th day, campers must move beyond a 25-mile radius of their previous camp.
- (c) ***Dispersed Camping Parking***—Parking for dispersed camping (including cars, trucks, recreation vehicles, and trailers [“fifth wheels”]) is restricted to one vehicle width from the edge of the designated route, designated for use of the type of vehicle which is parked.

- (d) ***Dispersed Camping location restrictions***—Dispersed camping is prohibited within:
- (i) Any area identified for day-use;
 - (ii) Any area or site with identified campsites;
 - (iii) 25 yards of any freshwater source; and
 - (iv) 100 yards of any suitable segment of a Wild and Scenic River categorized as either wild or scenic.
- (e) ***Day-Use Only***—It shall be unlawful to stay beyond sunset or arrive before sunrise, as defined in N.10.1 – Definitions (g), in any area identified for “Day Use Only,” unless specific written authorization is provided by the BLM. This prohibition is applied to the Ancient Lakeshores ACEC, Bitter Creek ACEC, Compensation Lands ACEC, Cypress Mountain ACEC, Cyrus Canyon ACEC, Hopper Mountain ACEC, Los Osos ACEC, Pt. Sal ACEC, Tierra Redonda ACEC, Atwell Island ERMA, Fresno River ERMA, Piedras Blancas ONA, and the BLM land within the Frog Pond, and Salinas River areas of ecological importance.
- (f) ***Use of Campfires***—Campfires, camp stoves, and charcoal grills are permitted on BLM-administered public lands within the Bakersfield Field Office, on receipt of a California State Fire Permit and in accordance with prevailing fire conditions and restrictions, unless otherwise prohibited through these supplemental rules, such as in day-use only areas or by California state or county regulation. Permit must be in posses while maintaining a campfire, camp stove or charcoal grill and all permit terms and conditions must be adhered to.
- (g) ***Burning of Treated Lumber***—It is unlawful to burn treated lumber and woody materials containing hardware (nails and screws) on public lands.
- (h) ***Collection of Combustible Material***—Collection of all combustible materials from public lands is prohibited, except for dead and downed woody materials no greater than 4 inches in diameter. Standing tree—whether living or dead—may not be cut without authorization. Materials must be collected with hand tools only (for example, an axe or saw), and all material must remain to be burned on-site; any removal of such material requires a collection permit.
- (i) ***Campfires in Day-Use Only Areas***—In areas designated for day-use only, campfires and the collection of combustible materials for use in a campfire are prohibited. The use of camp stoves and charcoal grills is allowed, in accordance with prevailing fire restrictions.
- (j) ***Other Campfire Restrictions***—Campfires and the collection of combustible materials for use in campfires are prohibited in the Ancient Lakeshores ACEC, Bitter Creek ACEC, Compensation Lands ACEC, Cypress Mountain ACEC, Cyrus Canyon ACEC, Hopper Mountain ACEC, Kettleman Hills ACEC, LoKern-Buena Vista ACEC, Los Osos ACEC, Pt. Sal ACEC, Piute Cypress ACEC, Tierra Redonda ACEC, and Atwell Island, Frog Pond, Irish Hills and Salinas River areas of ecological importance.

N.10.4 Closures

- (a) ***Public Closure***—The following areas are closed to general public access; authorized, permitted, emergency and administrative access is still permitted: Oil fields with oil well densities higher than 20 wells per 40 acres, the raft launch at Granite Launch; Paradise, Advance and Cherry Falls Recreation Sites; and Granite Cave.
- (b) ***Seasonal Closure***—Public access to the recreation site at Advance, along the North Fork of the Kaweah River is prohibited from April 30th through September 30th each year, unless specifically authorized through a BLM-issued permit.

N.10.5 Domesticated Animals

- (a) ***Domesticated Animal Control***—Domesticated animals shall remain under their owners control at all times. Within the following areas, all domesticated animals are required to be on a leash: Atwell Island Project (not wetland areas), Wallow Rock RMZ, Dam RMZ, and Gold Fever RMZ.
- (b) ***Domesticated Animals at Atwell Island***—All domesticated animals are prohibited from the areas of wetland restoration within the Atwell Island Project.
- (c) ***Domesticated Animal Waste***—It shall be unlawful to fail to remove and appropriately dispose of waste deposited by a domesticated animal at any developed site on public lands, including campgrounds, picnic areas, and paved parking areas.
- (d) ***Domesticated Animal Abandonment***—It shall be unlawful for any person to willfully abandon a domesticated animal on public lands.

N.10.6 Firearms

Unless specifically addressed by regulations set forth in 43 CFR, the laws and regulations of the State of California and the counties of Kern, Tulare, Fresno, Madera, San Luis Obispo, Ventura, Santa Barbara, and Kings shall govern the use and possession of firearms. Such state and county laws and regulations that are now in effect or that may later be in effect are hereby adopted and made part of these supplemental rules.

- (a) ***Discharge of Firearms***—It shall be unlawful to discharge a firearm, as defined in N.10.1 – Definitions (e), unless hunting with a valid state hunting license and in accordance with the laws or law enforcement officers in the performance of their duties, within the following areas: The Dam, Wallow Rock, and Gold Fever RMZs.
- (b) ***Prohibition of Airsoft and Paintball Activities*** - It shall be unlawful to engage in airsoft and paintball activities, as defined in N.10.1 – Definitions (f) within the following areas; Ancient Lakeshores, Compensation Lands, and Cyrus Canyon ACECs.
- (c) ***Limitation on Airsoft and Paintball Activities*** - It shall be unlawful to engage in airsoft and paintball activities, as defined in N.10.1 – Definitions (f), without a Special Recreation Permit within the following areas; Atwell Island ERMA, Case Mountain ERMA, and Kaweah ACEC.
- (d) ***Target Shooting***—Target shooting, where allowed, is governed by the following rules:
 - (i) Target shooting may occur only where a suitable backdrop exists to prevent ammunition from travelling excessive distances.

- (ii) Target shooting is not permitted across any designated route of travel or across any body of water, including flowing rivers and streams, lakes, and ponds.
- (iii) Target shooting is not permitted within 150 yards of any man-made object (except targets), structure, camp, or dwelling.
- (iv) Targets must be retrievable and suitable for the purpose. Rocks, trees, and other natural features, cultural or historic artifacts, glass, household trash, appliances, cars, and signs do not constitute targets.
- (v) All materials used for targets must be retrieved on completion of target shooting, and removed from BLM lands. This includes all spent shells and cartridges.
- (vi) Skeet/clay pigeon shooting and any similar style of target shooting that disperses targets in an irretrievable fashion is prohibited.
- (e) **Airsoft and Paintball:** Airsoft and paintball activities, where allowed, are governed in accordance with the following guidelines and in adherence with state and federal and manufacturer safety instructions:
 - (i) Airsoft and paintball are not permitted across any designated route of travel or across any body of water, including flowing rivers and streams, lakes, and ponds.
 - (ii) Airsoft and paintball are not permitted within 150 yards of any man-made object, structure, camp, or dwelling, unless such structure is specifically designed and permitted for use in those activities.
 - (iii) Biodegradable ammunition must be used.
 - (iv) All materials associated with air-soft and paintball must be retrieved on completion of the activities.

N.10.7 *Hunting and Fishing*

Unless specifically addressed by regulations set forth in 43 CFR, the laws and regulations of the State of California and the California Department of Fish and Game and the supplemental rules below shall govern hunting on BLM-managed public lands within the BKFO; any specific state laws regarding hunting and fishing are hereby incorporated.

- (a) **Hunting**—In the following areas all forms of hunting are prohibited, unless specifically allowed through and by BLM authorization or permit; (i) The Dam RMZ, (ii) Wallow Rock RMZ, (iii) Gold Fever RMZ, and (iv) the BLM land within Atwell Island ERMA.
- (b) **Fishing**—All forms of fishing are prohibited, unless specifically allowed by BLM authorization or permit, in the BLM-managed waters within the restoration area at Atwell Island.

N.10.8 *Mining*

The supplementary rules below apply only to casual use, as defined in 43 CFR, 3809.5:

- (a) Casual use (recreational mining and prospecting) is governed by the following rules:
 - i. Casual Use does not include the disturbance to trees (DBH 4” and greater) and shrubs (taller or wider than 3’); including their root areas (i.e., removal or undermining of these vegetation types will require at a minimum a Notice);

- ii. Casual Use does not include any operations on or within 30ft of the centerline of designated routes and trails;
- iii. Casual Use does not include any activity that pumps water from water courses for any purpose, except in association with Suction Dredging;
- iv. Casual Use does not include the removal of more than one cubic yard of material from the site for offsite processing;
- v. Casual Use does not include activity that creates high walls in excess of 3ft or undermines earthen banks, large rocks, or boulders.
- vi. Casual Use does not include any high-banking, hydraulic mining, and ground sluicing;
- vii. Casual Use does not include any sluices, riffle boxes, and dry washers with collecting surfaces of greater than ten square feet;
- viii. Casual use does not include any disturbance that would result in an adverse effect, as described by Section 106 of the NHPA, to listed, eligible and those sites being treated as eligible until formal eligibility evaluations have been completed; and
- ix. Casual Use will abide by the discovery clause; whereby all activity will cease upon discovery of any subsurface archaeological, historical, or paleontological remains. The discovery must be left intact and reported to the BLM immediately. Operations may only resume on clearance by the BLM and may require the filing of a Notice or Plan of Operations.

N.10.9 OHVs and Mechanized Equipment

- (a) ***Cross-Country Travel***—Cross-country travel off designated routes is prohibited for all motorized and mechanized vehicles, except in designated OHV “open” areas and by uses exempted by 43 CFR, 8340.0-5(a).
- (b) ***Edge of Road***—Any vehicle beyond 15 feet from the edge of the disturbed surface of a designated route would be considered to be travelling across country.
- (c) ***Use of Designated Routes***—It shall be unlawful to use a route in a manner for which it is not designated, e.g., use of a designed “authorized” route by an unauthorized user.

N.10.10 Other Restrictions

- (a) ***Advertising and Commercial Signs***—No person or organization shall announce, advertise, or call to public attention in any way any article, service, or thing for sale or hire, or paste, tack, or otherwise post any commercial sign, placard, or advertisement on public lands without prior authorization from the BLM.
- (b) ***Bridge Jumping***—It shall be unlawful to jump from the foot bridge over the San Joaquin River.
- (c) ***Concessions, Vending, and Peddling***—It shall be unlawful for any person or organization to operate a concession or expose or offer for sale any service, article or thing, nor shall any person or organization on public lands operate any stand, cart, or vehicle for the

transportation, sale, or display of such items, unless specifically authorized through a Special Recreation Permit issued to include vending.

- (d) **Defacement**—It shall be unlawful for any person to apply graffiti to any natural or man-made surface on any BLM managed lands.
- (e) **Fireworks and Explosives**—Fireworks and explosives of any kind are prohibited on all public lands within the Bakersfield Field Office, without express authorization from the BLM.
- (f) **Memorialization**—It shall be unlawful for any person or organization to establish, erect, or define a memorial site on public lands without prior written authorization from the BLM. Memorial sites include the erection of religious symbols, creation of shrines, the placement of placards or other items identifying persons, events, animals, or other things that may be memorialized.
- (g) **Noncommercial Signs**—No person or organization shall announce, advertise, or call to public attention in any way any article, service, or location, or paste, tack, or otherwise post any sign or placard on public lands without prior authorization from the BLM.
- (h) **Obstructions across rivers**—It shall be unlawful to tie any obstruction from one bank of a river to the other, including cables, ropes, and rafts.
- (i) **Personal Property**—Personal property left unattended without prior authorization for at least 72 hours is deemed abandoned and can duly be removed and disposed of by the United States Government, the Bureau of Land Management, or any person acting on its behalf.
- (j) **Possession of Graffiti Implements**—It shall be unlawful for any person to possess any graffiti implement while in or on any BLM-managed lands, unless otherwise authorized.

N.11 Penalties

Under the Federal Land Policy and Management Act of 1976, 43 USC, 1733(a), if you violate or fail to comply with these supplementary rules, you may be subjected to imprisonment for not more than 12 months, or a fine in accordance with 18 USC 3571, other penalties in accordance with 43 USC, 1733, or both.