

**§ 423.61**

(b) Before taking action under paragraph (a) of this section, an authorized official must make a determination that action is necessary for:

- (1) The protection of public health and safety;
- (2) The protection and preservation of cultural and natural resources;
- (3) The protection of environmental and scenic values, scientific research, the security of Reclamation facilities, the avoidance of conflict among visitor use activities; or
- (4) Other reasons in the public interest.

**§ 423.61 Notifying the public of special use areas.**

When establishing, revising, or terminating a special use area, Reclamation must notify the public as required by this section.

(a) *What notices must contain.* The notice must specify:

- (1) The location of the special use area; and
- (2) The public use limits, conditions, restrictions, allowances, or prohibitions on uses and activities that are to be applied to the area or that are to be revised or terminated.

(b) *How notice must be made.* Reclamation must publish the notice required by paragraph (a) of this section in the FEDERAL REGISTER at least 15 days before the action takes place. Reclamation must also notify the public by one or more of the following methods:

- (1) Signs posted at conspicuous locations, such as normal points of entry and reasonable intervals along the boundary of the special use area;
- (2) Maps available in the local Reclamation office and other places convenient to the public;
- (3) Publication in a newspaper of general circulation in the affected area; or
- (4) Other appropriate methods, such as the use of electronic media, brochures, and handouts.

(c) *When notice may be delayed.*

(1) Notice under this section may be delayed in an emergency where delaying designation, revision, or termination of a special use area would result in significant risk to:

- (i) National security; or

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(ii) The security of a Reclamation facility, Reclamation employees, or the public.

(2) If the exception in paragraph (c)(1) of this section applies, Reclamation must comply with paragraph (b) of this section within 30 days after the effective date of the designation.

(3) Failure to meet the FEDERAL REGISTER notice deadlines in paragraphs (b) or (c)(2) of this section will not invalidate an action, so long as Reclamation meets the remaining notification requirements of this section.

(d) *When notice is not required.* Notice under this section is not required if all the following conditions are met:

- (1) The action will not result in a significant change in the public use of the area;
- (2) The action will not adversely affect the area's natural, esthetic, scenic or cultural values;
- (3) The action will not require a long-term or significant modification in the resource management objectives of the area; and
- (4) The action is not highly controversial.

**§ 423.62 Documentation of special use area designation or termination.**

(a) The authorized official must document the reasons for designating a special use area and the restrictions, conditions, public use limits, or prohibitions that apply to that area. In the case of the termination of a previously established restriction, condition, public use limit, or prohibition, the authorized official must make a written determination as to why the restriction is no longer necessary.

(b) Documentation of the designation or termination of a special use area must occur before the action, except in the emergency situations described in § 423.61(c). In the latter case, the documentation is required within 30 days after the date of the designation.

(c) Reclamation will make documents produced under this section available to the public upon request except where such disclosure could compromise national or facility security, or human safety.