

concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit number PRT-814979 in such comments:

Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia (fax 404-679-7081).

Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. (fax 601-965-4340).

FOR FURTHER INFORMATION CONTACT:

Theresa Jacobson, Mississippi Field Office (601-965-4900) or Rick Gooch at the Atlanta, Georgia Regional Office (404-679-7110).

SUPPLEMENTARY INFORMATION:

Background

The gopher tortoise is listed as a threatened species in the western part of its range, from the Tombigbee and Mobile Rivers in Alabama west to southeastern Louisiana. As a native burrowing species of the fire maintained longleaf pine ecosystem, typical gopher tortoise habitat consists of frequently burned longleaf pine or longleaf pine/scrub oak uplands on moderately well drained to xeric soils. About 80 percent of the original habitat for gopher tortoises has been lost due to urbanization and agriculture. Forest management practices involving dense pine stands and infrequent prescribed fire have reduced or eliminated the open forest and sunny forest floor with grasses and forbs that tortoises need for burrowing, nesting, and feeding. Though gopher tortoises are widely distributed in south Mississippi, most populations are fragmented, small in size, and functionally non-viable.

Section 9 of the Act, and implementing regulations, prohibits the take of threatened and endangered species. Take, in part, is defined as an activity that kills, injures, harms, or harasses a listed threatened or endangered species. Section 10(a)(1)(B) of the Act provides an exemption, under certain circumstances, to the Section 9 prohibition if the taking is incidental to, and not the purpose of otherwise lawful activities.

Fourteen tortoise burrows were located and four tortoises are known to inhabit the 89-acre proposed mining site. A tortoise population of up to five tortoises are estimated to reside on the property. The operation of heavy mining equipment can directly kill or injure tortoises by running over them above ground, or by crushing or entombing them in their burrows, or by excavation.

The EA considers the environmental consequences of four alternatives. One alternative, the proposed action, is the issuance of the incidental take permit based upon submittal of the HCP as proposed. The HCP describes measures the Applicant will take to avoid and mitigate such taking. The Applicant plans to relocate all tortoises in the mining area to an 8-acre habitat conservation area. Suitable habitat for gopher tortoises consists of less than 60 percent canopy cover, a sparse understory, and tortoise browse of grasses and forbs. As part of the HCP, the Applicant will maintain and improve the habitat conservation area by thinning and by the use prescribed fire. Without such management, particularly the use of prescribed fire, gopher tortoise habitat would deteriorate via natural succession. The HCP provides for funding all of the mitigation and minimization efforts for the proposed action. Another alternative is no-action, or deny the request for authorization to incidentally take the gopher tortoises. The third alternative is similar to the proposed alternative except the tortoises would be relocated to a smaller, 3-acre conservation habitat area. The last alternative involves relocating all tortoises off the mining site and onto private property owned by the Applicant elsewhere. All surface mining operations and reclamation procedures are regulated and permitted by the Bureau of Geology, Mississippi Department of Environmental Quality.

As stated above, the Service has made a preliminary determination that the proposed action, e.g., issuance of the incidental take permit, is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102 (2)(C) of the National Environmental Policy Act of 1969, as amended. This preliminary information may be adjusted due to public comment received in response to this notice and is based on information contained in the EA and HCP. An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of the incidental take permit will not appreciably reduce the likelihood of survival and recovery of the affected species in the wild or result in the adverse modification of designated critical habitat. This decision is based upon and considers the cumulative impacts of past, present and future issuance of incidental take permits within the historic and current

range of each species affected in the permit action.

2. Issuance of an incidental take permit would not have significant effects on the human environment in the project area.

3. The proposed take is incidental to an otherwise lawful activity.

4. The Applicant has ensured that adequate funding will be provided to implement the measures proposed in the submitted HCP.

5. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the incidental take permit are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's incidental take permit is contingent upon the Applicant's compliance with the terms of the permit and all other laws and regulations under the control of State, local, and other Federal governmental entities.

Dated: May 17, 1996.

Noreen K. Clough,

Regional Director, Region 4.

[FR Doc. 96-13121 Filed 5-23-96; 8:45 am]

BILLING CODE 4310-55-P

Bureau of Land Management

[WY-985-06-0777-72]

Resource Advisory Council Meeting, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Wyoming Resource Advisory Council.

SUMMARY: This notice sets forth the schedule and agenda for a meeting of the Wyoming Resource Advisory Council (RAC).

DATES: June 24, 1996, from 1:00 p.m. until 5 p.m. and June 25, 1996, from 8:30 a.m. until 12 p.m.

ADDRESSES: Pronghorn Lodge, Monarch Room, 150 East Main, Lander, WY 82520.

FOR FURTHER INFORMATION CONTACT: Terri Trevino, RAC Coordinator, Wyoming Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82003, (307) 775-6020.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Status of Green River Basin Advisory Committee
2. Finalize draft goals and guidelines on rangelands
3. Public Comment

This meeting is open to the public. Interested persons may make oral

statements to the Council or file written statements for the council's consideration. Anyone wishing to make an oral statement should notify the RAC Coordinator, at the above address by June 17, 1996.

Depending on the number of persons wishing to make oral statements, a time limit, per person, may be established by the Chair of the Resource Advisory Council.

Jerry Jessen,

Acting State Director.

[FR Doc. 96-11994 Filed 5-23-96; 8:45 am]

BILLING CODE 4310-22-M

[OR-084-6310-04-FLOD: GP6-0164]

Emergency Use Restriction on Public Access Road; Linn County, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Emergency use restriction on public access road in Linn County, Oregon.

SUMMARY: Notice is hereby given that all forms of public travel, except travel by foot, on Quartzville Access Road east of Trout Creek in Linn County, Oregon, are temporarily restricted from May 20, 1996, through September 30, 1996. This emergency use restriction is made under the authority of 43 CFR 8364.1.

The public road affected by this emergency use restriction is specifically identified as follows: Quartzville Access Road with a beginning point in Section 9, T. 12 S., R. 3 E., Willamette Meridian (Trout Creek crossing) and an ending point in Section 29, T. 11 S., R. 4 E., Willamette Meridian (Canal Creek crossing). The portion of Quartzville Access Road where public use is temporarily restricted under this emergency restriction order will be posted with signs at both the Trout Creek and Canal Creek crossings.

The purpose of this emergency use restriction is to provide for visitor safety while major repairs are made to flood-damaged roads and structures.

EXEMPTIONS: The following persons, operating within the scope of their official duties, are exempt from the provisions of this use restriction order: Bureau of Land Management (BLM) and Forest Service employees; federal, state and local law enforcement and fire protection personnel; the holders of BLM road use permits that include roads accessed by Quartzville Access Road east of Trout Creek; and purchasers of BLM timber accessed by Quartzville Access Road east of Trout Creek, and their employees and subcontractors. Other persons may be

allowed to travel Quartzville Access Road east of Trout Creek, by means other than foot, but such use must be approved in advance in writing by the Authorized Officer.

PENALTIES: Any person who fails to comply with the provisions of this closure order may be subject to the penalties provided in 43 CFR 8360.0-7, which include a fine not to exceed \$1,000.00 and/or imprisonment not to exceed 12 months, as well as the penalties provided under Oregon State law.

EFFECTIVE DATE: This use restriction order is effective from May 20, 1996 through September 30, 1996.

ADDRESSES: Copies of the use restriction order and maps showing the location of that portion of Quartzville Access Road where use is restricted are available from the Salem District Office, 1717 Fabry Road S.E., Salem, OR 97306.

FOR FURTHER INFORMATION CONTACT: Richard C. Prather, Area Manager, Cascades Resource Area, Salem District Office, at (503) 375-5646.

Dated: May 14, 1996.

Scott S. Abdon,

Area Manager (Acting), Cascades Resource Area.

[FR Doc. 96-13136 Filed 5-23-96; 8:45 am]

BILLING CODE 4310-33-P

[NM-030-06-1610-00]

Otero County Areas of Environmental Concern (ACECs) for the Caballo Resource Area, New Mexico

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability and 60-day comment period.

SUMMARY: The BLM, Las Cruces District, Caballo Resource Area announces the availability of a draft Resource Management Plan (RMP) Amendment/preliminary Finding of No Significant Impact and supporting Environmental Assessment (EA). The document discusses the designation of five new ACECs and revision of one existing ACEC in Otero County, south-central New Mexico. Approximately 19,520 acres are identified for designation. In addition to designation, the plan amendment, when approved, will guide BLM programs and management practices within the ACECs.

DATES: Written comments relating to the designation of ACECs, management activities within the ACECs, and the EA will be taken for the next 60 days. Comments must be postmarked on or before July 23, 1996.

ADDRESSES: Comments should be sent to Area Manager, BLM Caballo Resource Area, 1800 Marquess, Las Cruces, New Mexico 88005.

FOR FURTHER INFORMATION CONTACT: Timothy M. Murphy, Area Manager, BLM, Caballo Resource Area at (505) 525-4372, or Mike Howard, Team Leader, Caballo Resource Area at (505) 525-4348, email mhoward@nm0151wp.nmso.nm.blm.gov.

SUPPLEMENTARY INFORMATION: ACECs are land designations unique to the BLM. The purpose of ACECs is to recognize, protect, and manage unique or sensitive resources or potential hazards to the public. Each area receives management or protection based on its unique needs, in consultation and coordination with the public. The Caballo Resource Area has completed an inventory of areas containing unique or sensitive biological resources suitable for designation as ACECs. In addition, the Resource Area has received nominations both internally and from the public to consider several areas as ACECs based on visual, cultural, and biological values.

The draft document discusses three alternatives. Alternative A is the No Action Alternative. Alternative B is BLM's proposal to designate and manage the five proposed ACECs, and redesignate one existing ACEC. These management proposals represent the highest levels of resource protection and continued public use. Alternative B is BLM's preferred alternative. Alternative C contains a lower level of protection designed to address less restrictive management measures for protection of the resources of concern in each proposed ACEC. Some specific proposals in Alternative C may be more restrictive. The following is a summary of the management actions in Alternative B, the BLM preferred alternative, for each proposed ACEC.

The *Three Rivers Petroglyph Site ACEC* is located 30 miles north of Alamogordo, New Mexico. The area was nominated to protect and manage cultural resources. The total area to be considered is approximately 1,036 acres. Management actions proposed in the Preferred Alternative include: acquisition of State trust land through a cooperative land exchange, acquisition of private subsurface mineral estate from a willing seller, issuance of realty actions subject to protective stipulations, closure to mineral entry, improvement and protection of riparian areas, improvement of recreation facilities, limiting offroad vehicle use to existing roads and trails, closing of county road B031, except for