

plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

Todsen's pennyroyal was listed under the Act as an endangered species on January 18, 1981 (46 FR 5729). When listed, it was known from only two sites in the San Andres Mountains on the White Sands Missile Range in Sierra County, New Mexico. A recovery plan for Todsen's pennyroyal was approved in 1985. Subsequent to development of the original recovery plan, 15 new sites for the plant were found on the western slope of the Sacramento Mountains in Otero County, New Mexico. The new sites are on the Lincoln National Forest and on public lands administered by the Bureau of Land Management. The discovery of the new sites plus additional new information about the biology and ecology of the species have necessitated revision of the original recovery plan.

Recovery will focus on the continuing protection efforts of the three Federal agencies responsible for land management of existing sites. Additional recovery efforts will focus on research to determine the biological and ecological requirements of the species with the goal of developing management practices that will ensure the maintenance of self-sustaining populations in natural habitat.

The availability of a draft Todsen's Pennyroyal Revised Recovery Plan for review and comment was announced in the **Federal Register** on October 14, 1994 (59 FR 52189). The revised plan, however, was never completed and further changes to the plan have been made since then. This notice gives the public another opportunity for review and comment before the draft revised plan is approved.

Public Comments Solicited

The Service solicits written comments on the draft Todsen's Pennyroyal Revised Recovery Plan. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: November 2, 1998.

Renne Lohofener,

*Acting Regional Director, Southwest Region,
Fish and Wildlife Service.*

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability

AGENCY: Fish and Wildlife Service, Interior.

Receipt of an application for an incidental take permit and availability of the Misstex Habitat Conservation Plan for take of one red-cockaded woodpecker group on 80 acres of private land in Montgomery County, Texas.

SUMMARY: A private landowner, Mr. Charles H. Lewis III of Misstex Properties, L.C., has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The applicant has been assigned permit number TE-003596-0. The proposed permit would authorize the applicant to take one red-cockaded woodpecker (RCW) group incidental to timber harvest operations and proposed development of 80 acres of timberland on a 753-acre tract of land located in Montgomery County, Texas.

This notice advises the public that the Service has opened the comment period on the permit application. The permit application includes the Misstex RCW Habitat Conservation Plan (HCP).

Based upon guidance in the Service's November 1996, Habitat Conservation Planning Handbook, the Misstex RCW HCP qualifies as a "Low Effect" HCP. Therefore, this action is a categorical exclusion as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1 and no further National Environmental Policy Act (NEPA) documentation will be made. This notice is provided pursuant to section 10c of the Act and NEPA regulations (40 CFR 1506.6).

The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of the RCW based upon the Misstex RCW HCP. The final determinations will not be completed until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

DATES: Comments on the Misstex RCW HCP, should be received in writing on or before December 14, 1998.

ADDRESSES: Persons wishing to review the application and HCP may obtain a copy by contacting Mr. Jeffrey A. Reid, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service, 701 N. First Street, Lufkin, Texas 75901. Written comments should also be sent to Jeffrey A. Reid at the same address; please refer to permit No. TE-003596-0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Jeffrey A. Reid (Fish and Wildlife Biologist) at the above address or telephone (409/639-8546). Documents will also be available for public inspection, by appointment, during normal business hours at the above address and at 711 Stadium Drive, Suite 252, Arlington, Texas 76011. An appointment may be scheduled at the Arlington Office by calling (817/277-1100).

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the "taking" of endangered species such as the RCW. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22. The applicant owns approximately 2,000 contiguous acres in Montgomery County, Texas, that includes this 753-acre tract. The balance of the timber on the 2,000 acres was harvested except for an 80-acre RCW area that is part of the 753-acre tract. This 80 acres was retained for the RCWs to provide two clusters and associated foraging habitat. Approximately 5 to 6 seedtrees per acre were retained on the remaining 1,920 acres.

The applicant has determined that retaining the timber that supports the RCW group is not an acceptable alternative and that harvesting the entire tract, including the two RCW clusters, is the preferred alternative. Consequently, the incidental taking of the RCW group is unavoidable, and the adverse impacts of the proposed timber harvesting activities cannot be minimized.

Two RCW clusters comprised of three natural cavity trees are located on the 80 acres. Two of these cavity trees are considered to be unusable, because they contain enlarged cavities. A fall 1997, afternoon roost check revealed that two RCWs were utilizing the 80 acres. One RCW roosted in the only usable cavity tree, and the other roosted in the open. To provide additional roosting/nesting cavities, the landowner had four

artificial cavity inserts installed upon request of the Service. Two of the four inserts were active by March 1998, one of which was identified as the nest tree in May 1998. Harvesting the 80 acres will incidentally take at least two RCWs (and any offspring produced), three natural cavity trees, and four trees with artificial cavity inserts.

The applicant proposes to provide \$50,000 to implement the Misstex RWC HCP. The mitigative aspects of this HCP involve translocating juvenile RCWs from the 80 acres in Montgomery County to Champion International's Brushy Creek RCW Management Area in Trinity County, Texas, in an attempt to establish an additional breeding pair on a permanently protected 210-acre site. If an additional RCW group has not been established on the Brushy Creek RCW Management Area after four breeding seasons, Champion International agrees to assume responsibility for the mitigation of the group located on the applicant's property.

The permanent protection and management of 210 acres on Brushy Creek RCW Management Area is intended to compensate for the loss of 80 acres of RCW habitat on the applicant's property. The agreement by Champion to increase its baseline number of RCW groups by one, essentially results in relocating one breeding group instead of the loss of one group. The balance of the funds that remain after the applicant's mitigation is considered complete will be placed in an endowment fund to be managed by the National Fish and Wildlife Foundation for RCW recovery programs on state and private lands.

Dated: November 3, 1998.

Geoffrey L. Haskett,
Acting Regional Director, Region 2,
Albuquerque, New Mexico.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-962-1410-00-P, AA-9245, AA-9254, AA-9255, AA-9273, AA-9276, AA-9278, AA-9312, AA-9332, and AA-11440]

Alaska Native Claims Selections

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), will be issued to Calista Corporation for 9 sites aggregating approximately 158.6 acres.

The lands involved are in the vicinity of Nunivak Island, Alaska.

Seward Meridian

T. 3 S., R. 96 W.,
T. 4 S., R. 96 W.,
T. 4 S., R. 99 W.,
T. 3 N., R. 100 W.,
T. 3 S., R. 100 W.,
T. 4 S., R. 100 W.,

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the *Anchorage Daily News*. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until December 14, 1998 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Patricia A. Baker,

Land Law Examiner, Branch of ANCSA
Adjudication.

[FR Doc. 98-30350 Filed 11-12-98; 8:45 am]
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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-933-99-1320-01; COC 61357]

Notice of Public Hearing and Request for Comments on Environmental Assessment, Maximum Economic Recovery Report, and Fair Market Value; Application for Competitive Coal Lease COC 61357; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public hearing.

SUMMARY: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held to receive comments on the environmental assessment, maximum economic recovery, and fair market value of federal coal to be offered. An application for coal lease was filed by Oxbow Mining, Inc., requesting the

Bureau of Land Management offer for competitive lease 3,702.81 acres of federal coal in Delta and Gunnison Counties, Colorado. Tract delineation by the Uncompahgre Field Office resulted in the addition of 160 acres of federal coal in sec. 32, T. 12 S., R. 90 W., 6th P.M. for a grand total of 3,862.81 acres.

DATES: The public hearing will be held at 7 p.m., December 3, 1998. Written comments should be received no later than December 17, 1998.

ADDRESSES: The public hearing will be held in the Paonia Town Hall, 214 Grand Avenue, Paonia, Colorado. Written comments should be addressed to the Bureau of Land Management, Field Office Manager, Uncompahgre Field Office, 2505 South Townsend Avenue, Montrose, Colorado 81401.

FOR FURTHER INFORMATION CONTACT: Allan Belt, field Office Manager, Uncompahgre field Office at the address above, or by telephone at (970) 240-5315.

SUPPLEMENTARY INFORMATION: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held on December 3, 1998, at 7 p.m., in the Paonia Town Hall at the address given above.

An application for coal lease was filed by Oxbow Mining, Inc., requesting the Bureau of Land Management offer for competitive lease federal coal in the lands outside established coal production regions described as:

T. 12 S., R. 90 W., 6th P.M.
Sec. 31, lots 1 to 14, inclusive, and NE $\frac{1}{4}$;
Sec. 32, lots 3 to 6, inclusive, lots 11 to 14, inclusive, and NW $\frac{1}{4}$.
T. 12 S., R. 91 W., 6th P.M.
Sec. 35, lots 1, 2, and 4 to 8, inclusive, 13 to 16, inclusive, lots 21, 22, and that part of HES No. 134 lying in the NE $\frac{1}{4}$;
Sec. 36, lots 1 to 17, inclusive, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and that part of HES No. 134 lying in lot 1.
T. 13 S., R. 90 W., 6th P.M.
Sec. 5, lots 7 to 10, inclusive;
Sec. 6, lots 8 to 17, inclusive.
T. 13 S., R. 91 W., 6th P.M.
Sec. 1, lots 1 and 4, inclusive, S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
Sec. 2, lot 1, and S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 12, S $\frac{1}{2}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$.
Containing 3,862.81 acres.

The coal resource to be offered is limited to coal recoverable by underground mining methods.

The purpose of the hearing is to obtain public comments on the environmental assessment and on the following items:

(1) The method of mining to be employed to obtain maximum economic recovery of the coal,