

(*Cerorhinca moncerata*), tufted puffins (*Fratercula cirrhata*), Cassin's auklets (*Ptychoramphus aleuticus*) and pigeon guillemots (*Cephus columba*). Oil was observed in many of the giant kelp (*Macrocystis*) and bull kelp (*Nereocystis*) dominated kelp beds from Cape Alava north to Tatoosh Island and from Tatoosh Island east to Waadah Island.

Claims for natural resource damages were settled by consent decree under the Oil Pollution Act of 1990 (Act), 33 U.S.C. § 2701 *et seq.* Under the consent decree, the defendants agreed to pay approximately \$5.2 million to the natural resource trustees to compensate the public for the injury, destruction, and loss of natural resources resulting from the spill. The Plan/Assessment is presented to the public by the Trustees responsible for restoration implementation under the consent decree and is consistent with the Natural Resource Damage Assessment Regulations found at 15 CFR, Part 990. The Plan/Assessment describes the affected environment and illustrates potential restoration alternatives to restore, rehabilitate, replace, or acquire the equivalent of natural resources injured in the *Tenyo Maru* oil spill and their environmental consequences.

The preferred restoration alternative selected by the Trustees is an integrative restoration approach that restores populations of injured resources, provides quality habitat, and allows natural recovery. Proposed restoration efforts will include the combination of protection and enhancement activities that have the greatest potential to restore the injured natural resources, with particular emphasis on seabirds. The Plan/Assessment proposes to restore injured resources by: (1) Restoring common murre colonies within the Copalis National Wildlife Refuge; (2) contributing to an oiled wildlife rehabilitation center; (3) educating the general public on human disturbance of nesting seabird colonies; (4) reducing seabird by-catch in coastal set-net fisheries; (5) protecting marbled murrelet habitat; and (6) reducing siltation in rivers.

Interested members of the public are invited to review and comment on the Plan/Assessment. Copies of the plan are available for review at the Fish and Wildlife Service's Western Washington Office in Lacey, Washington (510 Desmond Drive SE, Suite 102); the Olympic Coast National Marine Sanctuary in Port Angeles, Washington (Federal Building, 138 West 1st Street, Suite 7) and; the Makah Tribe at Neah Bay, Washington (Old Air Force Building #15). Additionally the Plan/

Assessment will be available for review at the Fish and Wildlife Service's web site <http://www.rl.fws.gov>, at Administration's web site <http://www.darcnw.noaa.gov/tenyo.htm>, and at public libraries in Clallam, Jefferson, Grays Harbor, and Pacific Counties.

Written comments will be considered and addressed in the final Restoration Plan and Environmental Assessment at the conclusion of the restoration planning process.

Dated: February 2, 1999.

Thomas J. Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-010-1430-01; CA 2221]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following public lands in Kern County, California have been examined and found suitable for classification for conveyance to the County of Kern under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The lands will not be offered for conveyance until at least 60 days after publication of this Notice in the **Federal Register**.

Mount Diablo Meridian

T. 30 S., R. 33 E.

Section 15: S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

Containing 3.99 acres.

AP# 179-320-02

The County of Kern has filed an application to purchase a 3.99-acre parcel of public land occupied by an existing solid waste transfer station. The transfer station handles nonhazardous solid waste from residential, commercial and industrial sources. Conveyance would include a buffer area around the transfer station site.

The lands are not needed for Federal purposes. Conveyance is consistent with current BLM land use planning and would be in the public interest.

The patent will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all

applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States; Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

4. All valid existing rights documented on the official public land records at the time of patent issuance.

5. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Bakersfield Field Office, 3801 Pegasus Drive, Bakersfield, California.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice, until March 29, 1999, interested persons may submit comments regarding the proposed conveyance or classification of the lands to the Field Office Manager, Bakersfield Field Office, 3801 Pegasus Drive, Bakersfield, CA 93308.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a transfer station and buffer areas. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a transfer station and buffer areas.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: January 27, 1999.

Ron Fellows,

Field Office Manager.

[FR Doc. 99-2647 Filed 2-9-99; 8:45 am]

BILLING CODE 4310-40-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Modifications to the Bid Adequacy Procedures

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notification of procedural changes.

SUMMARY: The Minerals Management Service (MMS) is modifying one element of its existing bid adequacy procedures for ensuring receipt of fair market value on Outer Continental Shelf (OCS) oil and gas leases. The modification establishes a new criterion for acceptance under the number of bids rule for selected tracts in Phase 1. Specifically, for viable confirmed and wildcat (C&W) tracts receiving three or more qualified bids, where the third largest bid is within 50 percent of the high bid, acceptance under the number of bids rule will apply only to those viable C&W tracts having high bids that are in the top 75 percent of high bids on a per acre basis for all three-or-more-bid C&W tracts within designated water depth categories. Unless stated otherwise, usually in the final notice of sale, the designated categories in the Gulf of Mexico are: water depths of less than 800 meters and water depths of 800 meters or more.

This change has been made following a review of bidding activity in recent OCS sales. The new criterion for the number of bids rule was developed in part because in these sales a disproportionately large number of the three-bid confirmed and wildcat tracts with relatively low high bids were accepted in Phase 1, while tracts of this type with much larger high bids tended to be passed to Phase 2 in the evaluation process. Yet, in sales held without a number of bids rule for Phase 1 acceptance, it was found that of the set of tracts receiving three or more bids, the ones that tended to get rejected were those receiving relatively small high bids. Thus, this new criterion will allow the MMS to better ensure receipt of fair market value through more efficient targeting of its tract evaluation resources.

Another reason for the change is that the previous three-bid rule provided an incentive to submit lower bids. By doing

so, a bidder could raise the chance that if it was the high bidder, the third largest bid would fall within the required 50 percent of its high bid. Under the proposed change, bidders would be discouraged from adopting this strategy because attempts to implement it would likely cause the potential high bid to fall below the new requirement that an acceptable high bid in Phase 1 must be in the top 75 percent of all high bids in the tract's class. Indeed, the 75 percent parameter was chosen, in part, because in recent sales, there were no cases in which a high bidder could have successfully implemented this strategy with the proposed change in the rule in place.

DATES: This modification is effective February 4, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Marshall Rose, Chief, Economics Division, at (703) 787-1536.

SUPPLEMENTARY INFORMATION: The following set of bid adequacy procedures incorporates the most recent changes. During the bid review process, MMS conducts evaluations in a two-phased process for bid adequacy determination. We also review the bid for legal sufficiency¹ and anomalies² to establish the set of qualified bids³ to be evaluated.

Phase 1

The tracts receiving bids are partitioned into four general categories:

- Those tracts where competitive market forces can be relied upon to assure fair market value;
- Those tracts which the MMS identifies as being nonviable⁴ based on adequate data and maps;
- Those tracts where the Government has the most detailed and reliable data;
- Those tracts where opportunities are greatest for strategic underbidding, information asymmetry, collusion, and other noncompetitive practices.

¹ Legal bids are those bids which comply with MMS regulations (30 CFR 256) and the Notice of Sale. Any illegal high bid will be returned to the bidder.

² Anomalous bids include all but the highest bid submitted for a tract by the same company, parent or subsidiary (bidding alone or jointly). Such bids are excluded when applying the number of bids rule or any bid adequacy measure.

³ Qualified bids are those bids which are legal and not anomalous.

⁴ Nonviable tracts or prospects are those geographic or geologic configurations of hydrocarbons whose risk weighted most probable resource size is below the minimum economic field size for the relevant cost regime and anticipated future prices. The risk used is below the lowest level anticipated for any tract or prospect in the same cost regime.

Based on these categories, six Phase 1 rules are applied to all tracts receiving bids:

- Accept the highest qualified bid on viable confirmed and wildcat tracts receiving three or more qualified bids where the third largest such bid on the tract is at least 50 percent of the highest qualified bid and where the high bid per acre ranks in the top 75 percent of high bids for all three-or-more-bid confirmed and wildcat tracts that reside within a specified water depth category.⁵
- Accept the highest qualified bid on confirmed and wildcat tracts determined to be nonviable.
- Pass to Phase 2 all tracts that require additional information to make a determination on viability or tract type.
- Pass to Phase 2 all viable confirmed and wildcat tracts receiving one or two qualified bids.
- Pass to Phase 2 all viable confirmed and wildcat tracts receiving three or more qualified bids where either the third largest such bid is less than 50 percent of the highest qualified bid or where the high bid per acre ranks in the lowest 25 percent of high bids for all three-or-more-bid confirmed and wildcat tracts in the specified water depth category.
- Pass to Phase 2 all drainage and development tracts.

The percentile ranking of a tract's high bid is calculated by multiplying 100 times the ratio of the numerical ordering of the three-or-more-bid confirmed and wildcat tract's high bid to the total number of all viable and nonviable three-or-more-bid confirmed and wildcat tracts in the designated water depth. For example, suppose there are 21 total confirmed and wildcat tracts identified in Phase 1 as receiving three-or-more-bids in the designated water depth category of at least 800 meters. All viable tracts in this set having a high bid among the top 15 high bids would satisfy the 75% requirement; the 15th ranked high bid would represent the 71st percentile.

In ensuring the integrity of the bidding process, the Regional Director (RD) may identify an unusual bidding pattern⁶ at any time during the bid

⁵ The water depth categories usually will be specified in the final notice of sale.

⁶ Within the context of our bid adequacy procedures, the term "unusual bidding patterns" typically refers to a situation in which there is an excessive amount of coincident bidding by different companies on a set of tracts in a sale. Other forms of unusual bidding patterns exist as well, and generally involve anti-competitive practices, e.g., when there is an uncommon absence of competition

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