

FOR FURTHER INFORMATION CONTACT: Jon Collins, Gila Box NCA Project Coordinator, Safford Field Office, 711 14th Ave., Safford AZ 85546, (520) 348-4400.

Dated: December 14, 1999.

William T. Civish,

Safford Field Manager.

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DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: National Park Service, Interior.

ACTION: Notice and request for comments on information collection regarding National Park Service mining regulations.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the National Park Service's (NPS) intention to request that the Office of Management and Budget (OMB) extend and revise the currently approved information collection budget for the NPS's minerals management regulatory program inside park boundaries. Under 36 CFR part 9, the NPS regulates mineral development activities in parks associated with mining claims located under the 1872 Mining Law and with non-Federal oil and gas rights.

DATES: Comments on this notice must be received by February 25, 2000.

ADDITIONAL INFORMATION OR COMMENTS: Contact Carol McCoy, Chief, Policy and Regulations Branch, Geologic Resources Division, National Park Service, P.O. Box 25287, Lakewood, Colorado 80225, (303) 969-2096.

SUPPLEMENTARY INFORMATION:

Title: NPS/Minerals Management Program/Mining Claims and Non-federal Oil and Gas Rights.

OMB Number: 1024-0064.

Expiration Date of Approval: January 31, 2000.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: While surprising, outstanding mineral rights exist in many units of the National Park System. In most cases, these rights predate the establishment of the units. Currently, approximately 2,100 mining claims, which were located under the 1872 Mining Law, exist in a total of 20 park units. The majority of these claims are

located in Mojave National Preserve that was added to the National Park System through the California Desert Protection Act of 1994 (16 U.S.C. 410aaa). With respect to non-Federal oil and gas rights in park units, 597 non-Federal oil and gas operations exist in 11 park units. The potential for additional non-Federal oil and gas operations in additional units is tied to market forces and the quality and quantity of oil and gas reserves in park boundaries that coincide with the presence of private rights.

The NPS regulates mineral development activities inside park boundaries on mining claims and on non-Federal oil and gas rights under regulations codified at 36 CFR part 9: Subpart A for mining claims and Subpart B for non-Federal oil and gas rights. The NPS promulgated both sets of regulations in the late 1970's. In the case of mining claims, the NPS did so under Congressional authority granted under the Mining in the Parks Act of 1976 (16 U.S.C. 1901 *et seq.*) and individual park enabling statutes. For non-Federal oil and gas rights, the NPS regulates development activities pursuant to authority under the NPS Organic Act of 1916 as amended (16 U.S.C. 1 *et seq.*) and individual enabling statutes. As directed by Congress, the NPS developed the regulations in order to protect park resources and visitor values from the adverse impacts associated with mineral development in park boundaries.

The heart of the regulations is the approved "plan of operations" requirement. Essentially, a plan of operations is a prospective operator's blueprint setting forth all intended activities from access to extraction to reclamation related to developing a particular mineral right in a given park unit. The information required in a plan of operations is set forth in NPS regulations. Before an operator can commence development activities in a park unit, the NPS must approve the plan of operations and the operator must secure a bond in an amount sufficient to cover the cost of reclamation to the Federal Government in the event the operator defaults on his/her obligations.

Usually, an approved plan of operations covers the life of the mine or well, from development and production to reclamation. Under NPS regulations, such plans may be revised. No set form is required for a plan of operations. Each plan is tailored to the intended activities of an operator and the particulars of the environment, e.g., hardwood forest or desert, presence of endangered species or cultural resources, location and

extent of water resources including wetlands.

Because of the variability among plans of operations and the duration of such plans, assessing the annual paperwork burden of complying with the NPS's mining regulations is difficult. Below is the NPS's best estimate, pro-rated on an annual basis, as to the number of respondents and number of hours involved in complying with the Service's regulations governing mining claims and non-Federal oil and gas rights.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 80 hours per response.

Respondents: Publicly held companies, private companies and individuals.

Estimate of Number of Respondents: On an annual basis, the NPS estimates that it receives a range of between 15 to 30 plans of operations under its regulations: 5 to 10 plans of operations for mining claims, and 10 to 20 plans of operations for non-Federal oil and gas rights.

Estimated Number of Responses per Respondent: One. To conduct mineral development operations in park units, a prospective operator must submit a proposed plan of operations to the NPS for review and approval. Once approved, such a plan covers the life of the operation. If the plan is for geophysical work associated with private oil and gas rights it may only cover a period of a few months. In contrast, a plan for a production oil and gas well or a hardrock mine may cover a period of 10 or more years.

Estimated Total Annual Burden: 1200 to 2400 hours. The NPS estimates that on an annual basis, it will take operators a range of 400 to 800 hours to prepare complete plans of operations for review and approval under the Service's mining claim regulations at 36 CFR part 9, Subpart A. In the case of non-Federal oil and gas rights, the NPS estimates it will take all operators a range of 800 to 1600 hours to prepare complete plans of operations for review and approval under the Service's non-Federal oil and gas regulations at 36 CFR part 9, Subpart B.

Please send comments regarding the accuracy of the burden estimates, ways to improve them and any other related comments on the collection of information under the NPS's mining regulations at 36 CFR part 9 to the noted addressee above. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: December 3, 1999.

David B. Shaver,

Chief, Geologic Resources Division, Natural Resource Program Center.

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DEPARTMENT OF THE INTERIOR

National Park Service

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Record of Decision, Missouri National Recreational River (59-Mile District)

SUMMARY: Pursuant to regulations promulgated by the Council on Environmental Quality (40 CFR 1505.2) and implementing procedures of the National Park Service (NPS) and U.S. Army Corps of Engineers (COE) for the National Environmental Policy Act of 1969 (40 U.S.C. 1501 et seq.), the NPS and COE have prepared this Record of Decision for the general management plan and final environmental impact statement (GMP/FEIS), Missouri National Recreational River (59-Mile District), Nebraska and South Dakota. This Record of Decision describes the recreational river management alternatives considered, mitigating measures adopted to avoid or minimize environmental impacts, and the reasoning behind the decisions reached.

FOR ADDITIONAL INFORMATION: Superintendent, Missouri National Recreational River, P.O. Box 591, O'Neill, Nebraska 68763, 402-336-3970; or Chief, Environmental and Economics Section, Planning Branch, U.S. Army Corps of Engineers, 215 North 17th Street, Omaha, Nebraska 68102, 402-221-4575.

Background Information:

Public Law 95-625 of November 10, 1978, amended section 3(a) of the Wild and Scenic Rivers Act of 1968 by designating a fifty-nine mile reach of the Missouri River between the Gavins Point Dam, Nebraska-South Dakota, and Ponca State Park, Nebraska, as a recreational river in the National Wild and Scenic Rivers System. The amending legislation declared that this segment would be administered by the secretary of the interior, acting through the National Park Service. Accordingly, the segment is considered a unit of the national park system. The Act also directed the secretary of the interior to enter into a written cooperative

agreement with the secretary of the army, acting through the Corps of Engineers, for construction and maintenance of bank stabilization work and appropriate recreational development. The NPS and COE jointly produced the GMP/FEIS, updating previous management plans and memoranda written respectively in 1980 by the Heritage Conservation and Recreation Service (HCRS) and Corps of Engineers but only partially implemented.

Decisions for Management and Boundary

The preferred alternative for the Missouri National Recreational River (59-Mile District) is identified in the GMP/FEIS as Alternative 2. The preferred alternative provides for the maintenance and restoration of biologic values within the reach and has the greatest potential to protect and enhance the values for which the river was designated, consistent with the general intent of the Wild and Scenic Rivers Act. It also provides for management activities that emphasize the history and culture of the river and its surroundings. In this preferred alternative, as well as in other alternatives, the NPS and COE will manage the area through a cooperative agreement, with the NPS generally administering land-related resources and the COE generally managing water-related resources. The agencies will work together where responsibilities overlap.

Among specific actions, the preferred alternative encourages the maintenance of the rural scene while allowing development in ways emphasizing the river's natural attributes. Land in fee or less-than-fee title might be acquired to provide new river accesses or for critical habitat preservation, but generally county zoning would be encouraged as the principal landscape protection measure.

Although new visitor use facilities are not specifically included in Alternative 2, the Resource and Education Center proposed by the Nebraska Game and Parks Commission is consistent with the goals for the recreational river. Scenic drives, overlooks, and river trails could be also be developed or enhanced as opportunities allowed, and the safety and appearance of extant access facilities would be enhanced.

Habitat protection, enhancement, and restoration would be encouraged, with the NPS, COE, and other partners cooperating in inventory and monitoring of river-related resources and enhancement of biologic and cultural values. Floodplains and adjacent wetlands would be protected to

the greatest extent possible, and endangered and threatened species would continue to be protected in all areas under federal or state jurisdiction.

Additional riverbank stabilization authorized in the enabling legislation will be undertaken as needed so long as all actions are in full conformance with appropriate and required environmental compliance laws, and a federal interest is established and funds are allocated for such construction.

The boundary for the 59-Mile MNRR is described as commencing at the downstream end of the Gavins Point Dam excavated discharge channel (downstream boundary of the Lewis and Clark Project), 59 miles downstream to, and inclusive of, Ponca State Park, and including the river, its islands, and adjacent banks and hills reasonably encompassing the natural and cultural resources of the unit. This boundary is a revision from the 1978 determination by including areas of active erosion and several large archaeological or cultural sites, among them an archaeological site north of St. Helena, Nebraska, and the Spirit Mound north of Vermillion, South Dakota, the latter particularly added to facilitate the preservation of that nationally significant Lewis and Clark landmark. The identified boundary excludes portions of Clay County Park some distance from the river, and certain distant croplands. The total acreage inside the revised boundary is about 17,734.

Mitigating Measures

Alternative 2 proposes limited developments such as boat and canoe accesses and trails consistent with the objectives of the unit. The Alternative also would include additional bank stabilization consistent with congressional authorization. Site-specific environmental compliance would be done when and if such construction occurred. Some increased use, some continued conversion of agricultural land to residential and other private development, and land purchases by the government may have adverse impacts on county government. Preservation of the river environs in a more natural state may be viewed as a beneficial effect of such impacts.

Other Management Alternatives Considered

Two other management alternatives were considered. The no-action alternative (Alternative 1) would have continued actions prescribed in HCRS's 1980 GMP and COE's 1980 General Design Memorandum and would have generally perpetuated existing land use conditions with minimal oversight and