

(#5310), Findley Gulch Rd. (#5290), Poison-Dry Loop Rd. (#5275), Cabin Draw Rd. (#5265), Ward Gulch Rd. (#5260), Antelope Creek Rd. (#5250), Trickle Mountain Rd. (#5255), Big Dry Gulch Rd. (#5242), Taylor Canyon Rd. (#5248), Decker Creek Rd. (#5335) and Squaw Creek Rd. (#5245).

DATES: This closure is in effect from March 1 through May 31 and shall remain in effect unless revised, revoked or amended.

ADDRESSES: Comments can be directed to the Area Manager, San Luis Resource Area, 1921 State Street, Alamosa, CO 81101 or District Manager, Canon City District Office, 3170 E. Main, Canon City, CO 81212.

FOR FURTHER INFORMATION CONTACT: Julie Howard, Area Manager at (719) 589-4975.

SUPPLEMENTARY INFORMATION: Roads will be reopened to travel when dry soil conditions allow. These restrictions do not apply to emergency, law enforcement and Federal, State or other government personnel who are in the area for official or emergency purposes and who are expressly authorized or otherwise officially approved by BLM. Any person who fails to comply with this closure order will be subject to the penalties provided by 43 CFR 8360.0-7 which includes fines not to exceed \$1000 and/or imprisonment not to exceed 12 months. Notice of this closure will be posted at the San Luis Resource Area Office and the Canon City District Office.

Donnie R. Sparks,
District Manager.

[FR Doc. 95-3169 Filed 2-8-95; 8:45 am]

BILLING CODE 4310-JB-M

[NM-930-1430-01;KSNM 94549]

Notice of Proposed Modification of Public Land Order (PLO) 5605; Transfer of Jurisdiction in Leavenworth County, Kansas

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

ACTION: Notice.

SUMMARY: The United States Department of Justice (DOJ) has requested a modification of PLO 5605 to formally change the use and benefitting agency of 24 acres from a part of a Federal correction facility for the DOJ to a Frontier Army Museum under the Department of Army. The land has been and remains closed to surface entry and mining but not from leasing under the mineral leasing laws.

DATES: Comments should be received by May 10, 1995.

FOR FURTHER INFORMATION CONTACT: Clarence Houglund, BLM, New Mexico State Office, P.O. Box 27115, Santa Fe, New Mexico, 87502-0115, 505-438-7593.

SUPPLEMENTARY INFORMATION: The DOJ proposes to modify the withdrawal made by PLO 5605 dated October 13, 1976, which withdrew the following described land from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws:

Sixth Principal Meridian

T. 8 S., R. 23 E.,

A tract of land situated in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of sec. 26, more particularly described as follows:

Beginning at a concrete monument (#29) located in the NE $\frac{1}{4}$ of sec. 26 on the Fort Leavenworth Military Reservation; thence S. 19°45'13" E., 657.44 ft. along the reservation boundary, which is contiguous to the easterly boundary of the Federal Penitentiary under the jurisdiction of the DOJ, to a 4-inch bolt in Grant Avenue, said bolt being in the easterly boundary of said Federal Penitentiary, from which said bolt the bearing and distance to a reference iron pin formally in the north boundary line of the City of Leavenworth is S. 19°45'13" E., 104.28 ft.; thence Westerly, approximately 914 ft. along the north right-of-way line of Metropolitan Avenue to the east line of the Kansas Power and Light (KPL) easement; thence N. 01°14'34" E., 461.11 ft. along the east line of said KPL easement; thence N. 86°25'25" E., 48.09 ft. along the east line of said KPL easement; thence N. 05°27'41" W., 388.76 ft. to a point in the old boundary of the Fort Leavenworth Military Reservation the same being the east line of the said KPL easement; thence N. 71°55'09" W., 409.20 ft. along said KPL easement and along said old boundary of said reservation to a point; thence Northerly along said KPL easement approximately 1000 ft., parallel to the north line of Metropolitan Avenue, to a point in the present boundary of Fort Leavenworth Military Reservation, said point being in the center of Corral Creek; thence in a Southerly direction upstream, along the center of the ditch, approximately 643 ft. along the present reservation boundary to a point, said point being in the old reservation boundary; thence Southeasterly, approximately 161 ft., along the present reservation boundary to the point of beginning.

The area described contains 24 acres more or less, in Leavenworth County.

On October 13, 1976, 269.60 acres within the Fort Leavenworth Military Reservation were withdrawn and reserved for use of the DOJ for use by the Bureau of Prisons in connection with the operation of the Leavenworth

Federal Penitentiary. The DOJ has determined that 24 acres of this withdrawal is no longer needed for the Federal correction facility and has agreed to a transfer of the 24 acres to the Department of Army for the Frontier Army Museum. No change is proposed in the segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed modification of use and transfer of jurisdiction may present their views in writing to the Deputy State Director, Resource Planning, Use, and Protection, BLM, at the above address.

Dated: January 25, 1995.

Gilbert J. Lucero,

State Director.

[FR Doc. 95-3171 Filed 2-8-95; 8:45 am]

BILLING CODE 4310-FB-P

Fish and Wildlife Service

Availability of a Habitat Conservation Plan, Environmental Assessment, and Receipt of an Application for an Incidental Take Permit of Desert Tortoise Related to the Use of the Tuacahn School and Performing Arts Center Access Road, Ivins, Washington County, Utah

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Heritage Arts Foundation (Applicant) has applied to the Fish and Wildlife Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act (Act) of 1973. The Applicant has been assigned Permit Number PRT-798634. The requested permit, which is for a period not to exceed 2 years, would authorize the incidental take of the threatened desert tortoise (*Gopherus agassizii*). The proposed take would occur as a result of further improvement and continued use of an access road to the Tuacahn School and Performing Arts Center (Tuacahn Center) in Ivins, Washington County, Utah. The road was constructed by the Applicant but has been deeded to the city of Ivins. It is anticipated that the road will be paved and will serve employees, students, and visitors of the Tuacahn Center.

The Applicant has prepared a habitat conservation plan and an environmental assessment for the incidental take permit application. This notice is provided pursuant to section 10(c) of

the Act and National Environmental Policy Act regulations (40 CFR 1506.6). **DATES:** Written comments on the habitat conservation plan, permit application, and environmental assessment must be received within 30 days of the date of this publication.

ADDRESSES: Requests for any of the above documents and comments or materials concerning them should be sent to the Assistant Field Supervisor, Fish and Wildlife Service, 145 East 1300 South, Suite 404, Salt Lake City, Utah 84115. The documents and comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert D. Williams, Assistant Field Supervisor (See **ADDRESSES** above) (telephone (801) 524-5001, facsimile (801) 524-5021).

SUPPLEMENTARY INFORMATION: Section 9 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), prohibits the "taking" of any threatened or endangered species, including the desert tortoise. However, the Fish and Wildlife Service (Service), under limited circumstances, may issue permits to take threatened and endangered wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered species are at 50 CFR 17.22.

The Heritage Arts Foundation, a nonprofit foundation, is currently constructing the Tuacahn School and Performing Arts Center (Tuacahn Center) on an 80-acre parcel in Padre Canyon in the city of Ivins, Washington County, Utah. There is a 2.1 kilometer (1.3 mile) graded access road to the Tuacahn Center that was constructed 2 years ago. The access road and the Tuacahn Center site are known to be inhabited by the desert tortoise, a threatened species.

Development of the Tuacahn Center site and access road has occurred over the last several years without formal section 7 consultation or a section 10(a)(1)(B) incidental take permit under the Act. In a December 24, 1991, letter to the Applicant regarding a desert tortoise "presence or absence" survey of the site for the Tuacahn Center, the Service noted that the survey did not find concrete evidence that desert tortoises inhabited the site proposed for development. No live desert tortoises, cover sites (such as dens and burrows), or tracks were found. The Service further stated in the letter that due to the proximity of the desert tortoise in

the project area there would always be the chance that one or more individuals could move onto the property that was to be developed or construction activities may impact active tortoise habitat. Additionally, the Service stated that if a tortoise was found on the property at any time, all construction and any other activity that may harm the animal should stop and the Service's Salt Lake City Office be notified immediately. At that time the Service would determine the best course of action. A surveyor was contracted by the Applicant to complete a desert tortoise "presence or absence" survey along the then-proposed access road, but the road was constructed before the survey was started and the surveyor decided not to conduct the survey. Therefore, a desert tortoise "presence or absence" survey was conducted only on the Tuacahn Center site and not on the access road.

Two desert tortoises were found dead in 1994 on the access road, crushed by construction vehicles. As agreed to in a Stipulated Settlement (Agreement) between the Applicant and the U.S. Department of Justice dated August 17, 1994, the Applicant prepared a habitat conservation plan and applied for an individual section 10(a)(1)(B) incidental take permit from the Service. The habitat conservation plan addresses the further improvement and continued use of the Tuacahn Center access road. The Applicant prepared an environmental assessment as part of the permit application.

The Applicant considered two other alternatives—a no action alternative and an alternate access road location alternative. The Applicant rejected the no action alternative because a habitat conservation plan would not be pursued and no section 10(a)(1)(B) incidental take permit would be issued. This would violate the Agreement signed by the Applicant and the Justice Department. In addition, the road has already been constructed and the Tuacahn Center is 90 percent completed. Vehicle use of the road continues and is expected to increase once the Tuacahn Center opens. Without a section 10(a)(1)(B) permit, a risk of further unauthorized take of desert tortoises is possible. The second alternative that was considered and rejected was to move the access road to further minimize potentially adverse impacts to the desert tortoise. The current location of the access road crosses an area of continuous desert tortoise habitat, yet it is economically feasible to construct underneath crossings in a small area. A possible alternate location would be to move the

access road's intersection with Snow Canyon Road to the north at the base of the talus slope up the mouth of Padre Canyon. Taking the access road along the base of the cliffs would impact a much larger area crossed by tortoises and impact other candidate species such as the chuckwalla (*Sauromalus obesus*) and gila monster (*Heloderma suspectum*).

Since 1991, the Washington County Commission has been developing a regional habitat conservation plan and section 10(a)(1)(B) permit application for take of desert tortoise in Washington County for the Upper Virgin River Recovery Unit. When finalized, this proposed regional habitat conservation plan will incorporate the Tuacahn Center project area and access road. The proposed Washington County regional habitat conservation plan is expected to be released by June 1995.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Dated: February 3, 1995.

Ralph O. Morgenweck,

Regional Director, Denver, Colorado.

[FR Doc. 95-3244 Filed 2-8-95; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Availability of Outer Continental Shelf Official Protraction Diagrams

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of revised Outer Continental Shelf Official Protraction Diagrams (OPD's).

SUMMARY: Notice is hereby given that effective with this publication, the following revised outer continental shelf (OCS) Official Protraction Diagrams (OPD's) for the Cook Inlet/Shelikof Strait area are on file and available in the Alaska OCS Region office, Anchorage, Alaska. They reflect revisions to previously published OPD's to correct a computational problem occurring along the UTM Zone Boundary. These OPD's should be used for the Offshore Program within the Cook Inlet/Shelikof Strait area.

Description	Date
NO 04-06, Ugashik	January 4, 1995.
NO 05-02, Seldovia	January 4, 1995.