

[NM017-1430-01; NMNM 87007]

Realty Action—Recreation and Public Purpose (R&PP) Act Classification; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice is to advise that the following public lands in Sandoval County, New Mexico, have been examined and found suitable for classification for conveyance to the Torreon Navajo Mission/Dunkard Brethern Church under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq.*) at not less than the appraised fair market value (FMV) of \$2,000. The Torreon Navajo Mission/Dunkard Brethern Church proposes to use the land for cemetery purposes.

New Mexico Principal Meridian

T. 18 N., R. 3 W., sec. 8,
N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and
E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 7,500 acres.

The lands would not be leased prior to being patented to the Torreon Navajo Mission/Dunkard Brethern Church. A patent under the Recreation and Public Purpose Act is consistent with current BLM land use planning and would be in the public interest. The lands are not needed for Federal purposes.

The patent, when issued, will be subject to the following terms, conditions and reservations.

1. Provisions of the R&PP Act and to all applicable Regulations of the Secretary of the Interior.

2. A right-of-way for ditches or canals constructed by the authority of the United States pursuant to the 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 such deposits from the same under applicable law and such, regulations as the Secretary of the Interior may prescribe.

4. Those rights for a pipeline granted to Cortez Company Inc. by Right-of-Way NMNM 29081.

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

Detailed information concerning this action is available for review at the Office of the Bureau of Land Management, Rio Puerco Resource Area, 435 Montano NE, Albuquerque, New Mexico.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public laws, including the general mining laws, except for conveyance under the R&PP Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, (August 7, 1995), interested persons may submit comments regarding the proposed conveyance or classification of lands to the District Manager, Bureau of Land Management, 435 Montano NE, Albuquerque, New Mexico 87107.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for a cemetery. Comments on the classification are restricted to whether the land is physically suited for the proposal, 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 cemetery.

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** (August 22, 1995).

Michael R. Ford,

District Manager.

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BILLING CODE 4310-FB-M

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for a Permit to Allow Incidental Take of the Threatened Northern Spotted Owl and Threatened Marbled Murrelet by the Oregon Department of Forestry on the Elliott State Forest, Coos and Douglas Counties, Oregon

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice of document availability; request for comments.

SUMMARY: This notice advises the public that the Oregon Department of Forestry (Applicant) 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, as amended (Act). The application has been assigned permit number PRT-803344. The requested permit would authorize incidental take of the threatened northern spotted owl (*Strix occidentalis caurina*) (owl) and threatened marbled murrelet (*Brachyramphus marmoratus*) (murrelet) on the Elliott State Forest (Forest) in Coos and Douglas Counties, Oregon. The proposed incidental take would occur as a result of timber harvest activities in owl and murrelet habitat.

The Service also announces the availability of an Environmental Assessment (EA) for the proposed issuance of the incidental take permit. All comments received will become part of the public record and may be released. 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 permit application and EA should be received on or before July 24, 1995.

ADDRESSES: Comments regarding the application or EA should be addressed to Curt Smitch, Assistant Regional Director-North Pacific Coast Ecoregion, U.S. Fish and Wildlife Service, Pacific Northwest Habitat Conservation Plan Program, 3773 Martin Way East, Building C—Suite 101, Olympia, Washington 98506 (360-534-9330). Please refer to permit number PRT-803344 when submitting comments. Individuals wishing copies of the documents for review should immediately contact the office listed above.

FOR FURTHER INFORMATION CONTACT: Brian Bogaczyk, at the office listed above.

SUPPLEMENTARY INFORMATION:**Background**

Under section 9 of the Act and its implementing regulations, "taking" of owls and murrelets, both threatened species, is prohibited. However, the Service, under limited circumstances, may issue permits to authorize take of threatened wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened species are in 50 CFR 17.32.

The Applicant proposes to implement a Habitat Conservation Plan (HCP) for owls and murrelets that will allow timber harvest on portions of the approximately 93,000 acre Forest in Coos and Douglas Counties, Oregon. The Applicant's proposed timber harvest may result in the take, as