of mitigation which was otherwise adequately provided for a species under the terms of a properly functioning HCP. Moreover, the Services will not seek any other form of additional mitigation from an HCP permittee except under extraordinary circumstances. Thus, the long-term certainty that is provided is the assurance that under no circumstances, including extraordinary circumstances, shall an HCP permittee who is abiding by the terms of their HCP be required to provide a greater financial commitment or accept additional land use restrictions on property available for economic use or development.

The third issue pertains to the codification of the ''No Surprises'' policy into a regulation. The Services do not believe it is necessary to codify the ''No Surprises'' policy as a specific regulation, because it is simply a statement of policy. Nevertheless, the policy has been subjected to procedures similar to those used to codify regulations. The policy was incorporated into the draft Handbook for Habitat Conservation Planning and Incidental Take Permitting Process to help address the problem of maintaining regulatory assurances for applicants applying for incidental take permits through the HCP process. This policy was subjected to a public review process when a notice of availability was published in the Federal Register for the draft Handbook for Habitat Conservation Planning and Incidental Take Permitting Process on December 21, 1994 and the FWS solicited comments through this availability announcement.

The final issue concerns the fact that commenters objected to the ''No Surprises'' policy because it is seen as exceeding FWS and NMFS authority under the ESA. The Services believe this policy is fully consistent with their authority under the ESA and is based on legislative history. Congress recognized in enacting the habitat conservation plan/incidental take provision in section 10 of the ESA that ''. . . the Secretary may utilize this provision [on HCPs] to approve conservation plans which provide long-term commitments regarding the conservation of listed as well as unlisted species and long-term assurances to the proponent of the conservation plan that the terms of the plan will be adhered to and that further mitigation requirements will only be imposed in accordance with the terms of the plan. In the event that an unlisted species addressed in an approved conservation plan is subsequently listed pursuant to the Act, no further mitigation requirements should be imposed if the conservation plan addressed the conservation of the species and its habitat as if the species were listed pursuant to the Act'' (H.R. Rep. No. 835, 97th Cong., 2d Sess. 30–31 (1982)). Accordingly, Federal regulation requires such procedures to be detailed in the HCP [50 CFR 17.22(b)(1)(iii)(C)].

Moreover, as the discussion of the ''No Surprises'' policy in the final Handbook makes clear, the commitment by the Services in the policy is a commitment ''to the extent consistent with the requirements of the Endangered Species Act and other Federal laws,'' like the Anti-Deficiency Act. However, the policy also makes clear that ''methods of responding to the needs of affected species [other than exacting additional mitigation from the permittees], such as government action and voluntary conservation measures by the permittee, remain available to assure the requirements of the ESA are satisfied.''

Issue: Commenters stated that the Handbook does little to streamline the HCP process.

Response: A summary of the streamlining measures and other improvements introduced in the revised HCP Handbook are identified in the following section of this notice.

Summary of Streamlining Measures

The following is a summary of the streamlining measures and other improvements introduced in the revised HCP Handbook as a result of this review process. The final Handbook includes numerous reforms that are designed to:

1. Provide clear guidance and standards for all aspects of the HCP program.

2. Encourage flexibility in many procedural decisions to combine the HCP process, NEPA, and the ESA section 7 documents to the extent possible.

3. Establish joint policies and procedures for FWS and NMFS.

4. Establish a low-effect HCP category with expedited permit approval procedures for small-landowner and other low-impact projects. The new streamlined procedure would:

a. Categorically exclude low-effect HCPs from NEPA requirements,

b. Eliminate the requirement for Implementation Agreements for low-effect HCPs, and

c. Eliminate Solicitor review of low-effect permit applications.

5. Establish specific time-frame targets for processing incidental take permit applications once the application is submitted for public comment and approval (less than 3 months for low-effect HCPs, 3–5 months for HCPs with an Environmental Assessment, and less than 10 months for HCPs with an Environmental Impact Statement).

6. Encourage the integration of the HCP with the NEPA analysis and provide an example of a combined HCP/EA document.

7. Make use of Implementing Agreements subject to Regional Director discretion for HCPs other than low-effect HCPs.

8. Allow unlisted species to be named on the HCP permit (with a delayed effective date tied to date of any future listing) if adequately addressed in the HCP, eliminating the need for further paperwork processing to amend the permit if such a species is subsequently listed.

9. Allow mitigation/monitoring activities resulting in take to be authorized under the HCP permit rather than a separate section 10(a)(1)(A) scientific research permit.

10. Require the integration of section 7/section 10 requirements early in the HCP process, and

11. Increase coordination requirements between a Field Office and Regional Office during HCP negotiation and permit processing phases.

Author/Editor: The editors of this document were Cindy Dohner, U.S. Fish and Wildlife Service, Division of Endangered Species, and Margaret Lorenz, Endangered Species, National Marine Fisheries Service (See **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: November 1, 1996.

Jay L. Gerst,

Acting Director, Fish and Wildlife Service.

Dated: November 22, 1996.

Gary Matlock,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 96–30610 Filed 11–29–96; 8:45 am]

BILLING CODE 4310–55–P
BILLING CODE 3510–22–P

Bureau of Land Management

[NM–030–1430–01; NMNM96514]

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

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

ACTION: Notice of realty action; R&PP Act classification.

SUMMARY: The following public land in Dona Ana County, New Mexico has

been examined and found suitable for classification for lease or conveyance to Las Cruces School District under the provision of the R&PP Act, as amended (43 U. S. C. 869 *et seq.*). Las Cruces School District proposes to use the land for a Regional Park and Sports Complex.

T. 22 S., R. 2 E., NMPM

Sec. 11, lot 2, S½S½NE¼, portion of S½S½NW¼, E½SW¼, NW¼SW¼, SE¼.

Containing 326.8 acres, more or less.

DATES: Comments regarding the proposed lease/conveyance or classification must be submitted on or before January 15, 1997.

ADDRESSES: Comments should be sent to the Bureau of Land Management, Las Cruces District Office, 1800 Marquess, Las Cruces, New Mexico 88005.

FOR FURTHER INFORMATION CONTACT: Marvin M. James at the address above or at (505) 525–4349.

SUPPLEMENTARY INFORMATION: Lease or conveyance 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. All valid existing rights documented on the official public land records at the time of lease/patent issuance.
3. Applicant acknowledges the potential for hazardous materials on the site and indemnifies the United States from any future liability.
4. Applicant sets aside areas for the drilling and maintenance of ground water monitoring wells.
5. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.
6. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein. Upon publication of this notice in the Federal Register, the land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the R&PP Act and leasing under the mineral leasing laws. On or before January 15, 1997, interested persons may submit comments regarding the proposed lease/conveyance or classification of the land to the District Manager, Las Cruces District Office, 1800 Marquess, Las Cruces, New Mexico 88005. 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.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a Regional Park and Sports Complex. 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 Regional Park and Sports Complex.

Dated: November 22, 1996.

Theresa M. Hanley,

Acting District Manager.

[FR Doc. 96–30577 Filed 11–29–96; 8:45 am]

BILLING CODE 4310–VC–P

[CA–360–1220–00]

Interlakes Special Recreation Management Area Plan and Draft Environmental Impact Statement (DEIS)

AGENCY: Bureau of Land Management (BLM), Redding Resource Area, NORCAL District, California.

ACTION: Notice of availability of a plan and DEIS.

SUMMARY: BLM has released a plan and DEIS covering land management options and anticipated consequences regarding the Interlakes Special Recreation Management Area. Preparation of this plan and DEIS is a joint effort between the BLM, U.S. Forest Service, National Park Service, and Bureau of Reclamation. BLM was directed to lead this planning effort under BLM's Record of Decision for the Redding Resource Management Plan and EIS which was prepared under the authority of the Federal Land Policy and Management Act of 1976 (section 202). This plan and DEIS is prepared under the authority of the National Environmental Policy Act of 1969.

SUPPLEMENTARY INFORMATION: The Interlakes Special Recreation Management Area is a 74,850 acre region which encompasses lands administered through the United States Department of the Interior's BLM, National Park Service, Bureau of Reclamation, and the Department of Agriculture's Forest Service. Once approved, this plan will guide management activities for the BLM for the next 10 to 15 years. The National Park Service, Bureau of Reclamation and U.S. Forest Service may approve this plan by continuing with this joint planning effort and approving a Record of Decision, or may implement portions of this plan by tiering to this document within their own planning documents.

DATES: Comments on this plan and DEIS should be submitted in writing by January 16, 1997.

FOR FURTHER INFORMATION CONTACT: Charles M. Schultz, Area Manager, Bureau of Land Management, 355 Hemsted Drive, Redding, CA., 96002 (916) 224–2100.

Dated: November 19, 1996.

Kelly Williams,

Acting Area Manager.

[FR Doc. 96–30549 Filed 11–29–96; 8:45 am]

BILLING CODE 4310–40–M

[NV–930–1430–00; N–61315]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Cancellation of Proposed Withdrawal; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Army, Corps of Engineers, has filed an application (N–61315) to withdraw 2,369.80 acres of public land for flood control facilities in Clark County, Nevada. This notice closes the lands for up to 2 years from surface entry and mining. The Corps of Engineers has canceled the application (N–59007) that was published in the 59 FR 60998, November 29, 1994.

DATES: Comments and requests for meeting should be received on or before March 3, 1997.

ADDRESSES: Comments and meeting requests should be sent to the Nevada State Director, BLM, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, 702–785–6532.

SUPPLEMENTARY INFORMATION: On October 4, 1996, the Department of the Army, Los Angeles District, Corps Engineers, filed an application to withdraw the following described public lands from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights: