

The EA considers the environmental consequences of two alternatives. The proposed action is the issuance of the ITP based upon the submittal of the HCP. This action is based on a preliminary determination by the Service that the HCP will satisfy the requirements of Section 10(a)(2)(B) of the Act. By this alternative, the HCP conserves RHS by restricting timber management activities in optimal and moderately suitable habitat. Optimal habitat occupies about 1,340 acres with steep (> 27 degree) slopes, underlain by the Tallahatta formation, with a forest dominated by deciduous trees. Timber harvests, if any, in optimal habitat will be limited to single tree selection while maintaining a forest canopy coverage over at least 90 percent of a site. To minimize disturbance to soils and destruction of RHS burrows, no vehicular logging equipment will operate within optimal habitat. Felled timber will be pulled from preferred habitat by cable from vehicular or other logging equipment located in adjacent habitat. Also, timber regeneration will occur naturally without site preparation or planting. Moderately suitable RHS habitat consists of slopes 18 to 27 degrees on either the Tallahatta or Hatchetigbee formations, with naturally occurring mixed hardwood-pine and pine-hardwood forest types. Timber harvests by single tree selection will be conducted while maintaining a forest canopy cover over at least 65 percent of a site, followed by natural regeneration. In marginally suitable to unsuitable RHS habitat on slopes of less than 18 degrees within the Tallahatta or Hatchetigbee formations, the Applicant will use a full array of forest management practices, including uneven-aged management, even-aged management with clear cutting, site preparation, and artificial and natural regeneration.

RHS populations in marginally suitable habitat will be significantly reduced or eliminated as a result of clear cutting, site preparation, and conversion to pine forests. Because RHS are more common and abundant in optimal habitat, the HCP will conserve core RHS populations where most RHS exist. The conservation of RHS in optimal habitat is consistent with the Service's recovery plan for the species. Populations in moderately suitable habitat may be extirpated or they may persist following timber harvests with vehicular logging equipment and a reduction in the forest canopy to 65 percent coverage of a site. The HCP also includes maintaining forest buffer zones adjacent to optimal habitat, staff training to implement the conservation plan,

funding, and monitoring and reporting of management actions.

The second alternative in the EA is the no action alternative in which the Service would not issue the ITP. The basis for this alternative would be the failure of the Applicant to satisfy requirements of Section 10(a)(2)(B) of the Act for permit issuance. Without the authority to incidentally take RHS, the Applicant is expected to avoid timber harvesting and related forest management actions in habitat occupied by the RHS to reduce or eliminate the possibility of illegally taking the RHS.

As stated above, the Service has made a preliminary determination that the issuance of this ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA and will result in the FONSI. This preliminary determination is based on information in the EA and HCP. The determination may be revised due to public comment received in response to this notice. An excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of an ITP would not have significant effects on the human environment in the project area.
2. The proposed take is incidental to an otherwise lawful activity.
3. The Applicant has ensured that adequate funding will be provided to implement the measures proposed in the submitted HCP.
4. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the ITPs are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ITPs are contingent upon the Applicants' compliance with the terms of their permits and all other laws and regulations under the control of State, local, and other Federal governmental entities.

The Service will also evaluate whether the issuance of a Section 10(a)(1)(B) ITP complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the Section 7 biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: January 27, 1997.

Noreen K. Clough,

*Regional Director.*

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## Bureau of Indian Affairs

### Indian Gaming

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of approved Tribal/State Compact.

**SUMMARY:** Pursuant to 25 U.S.C. § 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100-497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal/State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Tribal/State Gaming Compact between the Citizen Band Potawatomi Indian Tribe and the State of Oklahoma, which was executed on December 5, 1996.

**DATES:** February 3 1997.

**FOR FURTHER INFORMATION CONTACT:** George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219-4068.

Dated: January 24, 1997.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

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## Bureau of Land Management

[CA-067-7122-6606; CACA-35511]

### Environmental Impact Statement/ Environmental Impact Report for the Proposal Imperial Project, California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Amendment.

**SUMMARY:** In the Federal Register of November 1, 1996 (Vol. 61, p. 56567), a notice was published pertaining to the availability of the draft Environmental Impact Statement/Environmental Impact Report for the proposed Imperial Project. This amends that notice.

Because of expressed interest, a public hearing will be held at the Barbara Worth Convention Center in Holtville, California at 6:30 PST to 8:30 PST on Thursday February 6, 1997. Furthermore, the comment period on