

toll free at (800) 478-7745 (in Alaska) or (800) 283-7745 (outside Alaska).

SUPPLEMENTARY INFORMATION: Following the Exxon Valdez oil spill in March 1989, a Trustee Council of three state and three federal trustees, including the Secretary of the Interior, was formed. The Trustee Council prepared a restoration plan for the injured resources and services within the oil spill area. The restoration plan calls for annual work plans identifying projects to accomplish restoration. Each year proposals for restoration projects are solicited from a variety of organizations, including the public.

Dated: March 7, 1997.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 97-6530 Filed 3-13-97; 8:45 am]

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Fish and Wildlife Service

Preparation of an Environmental Impact Statement on a Permit Application to Incidentally Take Threatened and Endangered Species in Association With the San Joaquin County Multiple Species Conservation Plan in San Joaquin County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) and the County of San Joaquin, California, intend to prepare a joint Federal Environmental Impact Statement/State Environmental Impact Report (Statement/Report), pursuant to the National Environmental Policy Act and California Environmental Quality Act. The Service intends to proceed with preparation of the joint Statement/Report in response to an anticipated application by San Joaquin County to obtain a 30-year permit under the Federal Endangered Species Act that would authorize incidental take of up to approximately 100 species of plants and animals. The anticipated application would be accompanied by a Habitat Conservation Plan. This notice describes the proposed action and alternatives, and the history of the scoping process.

DATES: Written comments will be accepted by the Service at the address below until April 14, 1997.

ADDRESSES: Information and comments related to preparation of the joint Statement/Report should be submitted to Mr. Wayne White, Field Supervisor, U.S. Fish and Wildlife Service, 3310 El

Camino Avenue, Suite 120, Sacramento, California 95821. Written comments also may be sent by facsimile to (916) 979-2723.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Cross, Division of Endangered Species, at the above Sacramento address, telephone (916) 979-2725.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Background material will be available for public inspection, by appointment, during normal business hours (7:30 a.m. to 4:30 p.m., Monday through Friday) at the above Service address.

History of the Scoping Process

The public scoping process for the Statement/Report was formally initiated with the publication by San Joaquin County of a Notice of Public Hearing Scoping Meetings and Notice of Preparation/Notice of Intent for the Preparation of a Joint Environmental Impact Report/Environmental Impact Statement for the San Joaquin County Multi-species Habitat Conservation and Open Space Plan in *The Record* (the largest distribution newspaper in San Joaquin County) on January 22, 1997. This Notice also was sent to 271 organizations, agencies, native American tribes and other interested public within San Joaquin County and adjacent cities and counties. On February 6, 1997, the Service attended a public scoping meeting held in the city of Stockton, California, pursuant to the January 22 notice. During this meeting, concern was raised regarding the potential impact of linear projects that could create significant dispersal barriers to certain species that will be addressed in the Habitat Conservation Plan (e.g., water delivery canals). The Service intends to use the information collected at the February 6 scoping meeting and a second scoping meeting held on March 5, 1997, in Lodi, California, as well as other information and comments received in development of the joint Statement/Report.

Proposed Action

San Joaquin County intends to submit an application to the Service for a 30-year incidental take permit under Section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, as amended (Act). The application would include a Multi-Species Habitat Conservation and Open Space Plan (Plan) that would serve as a Habitat Conservation Plan as defined by Section 10(a)(1)(B) of the Act.

The Service anticipates that San Joaquin County would seek a permit

authorizing incidental take, now or in the future, of up to approximately 100 species, to the extent that take is prohibited under Section 9 of the Act for each of these species. The anticipated permit application would include 12 listed species: the endangered San Joaquin kit fox (*Vulpes macrotis mutica*), Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardii*), large-flowered fiddleneck (*Amsinckia grandiflora*), and palmate-bracted bird's-beak (*Cordylanthus palmatus*), and the threatened California red-legged frog (*Rana aurora draytonii*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), vernal pool fairy shrimp (*Branchinecta lynchi*), delta smelt (*Hypomesus transpacificus*), giant garter snake (*Thamnophis gigas*), and Aleutian Canada goose (*Branta canadensis leucopareia*). In addition, the anticipated application likely would seek assurances for future incidental take, should it become necessary, of 83 currently unlisted species. These unlisted species include 4 species proposed for listing: the Sacramento splittail (*Pogonichthys macrolepidotus*), succulent owl's clover (fleshy owl's clover) (*Castilleja campestris ssp. succulenta*) and Colusa grass (*Neostapfia colusana*), currently proposed for threatened status, and Greene's tuctoria (*Tuctoria greenei*), currently proposed for endangered status. Should an unlisted species covered by the Plan be listed in the future, take authorization would become effective upon listing under the Act.

The anticipated Plan would encompass all of San Joaquin County: approximately 1,400 square miles (900,000 acres), including 43 percent of the Sacramento-San Joaquin Delta. The Plan, however, would only be applicable to the area covered by those jurisdictions choosing to adopt the Plan. The anticipated Plan would allow conversion of up to 104,299 acres of land to non-open space uses while providing compensation for approximately 100 plant and animal species and 52 vegetative communities, including the conversion of vernal pools to such uses pursuant to the Federal Clean Water Act.

The anticipated Plan would have multiple purposes, all of which address the conversion of open space (for wildlife, agricultural, recreational, educational, flood control and other uses) to non-open space uses. The anticipated Plan would allow new development to proceed with predetermined, standardized mitigation

measures for habitat loss. The anticipated Plan would eliminate the need for project surveys and mitigation negotiations, and would be limited to payment of a fee (or in-lieu land dedications, if preferred) and implementation of incidental take avoidance measures.

The anticipated Plan would be completed by the San Joaquin Council of Governments (Council of Governments) through a planning process pursuant to a Memorandum of Understanding adopted by the Service, San Joaquin Council of Governments, San Joaquin County, the California Department of Fish and Game, Caltrans, and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy.

Only those agencies adopting the Plan would be covered by it. Agencies indicating interest in adopting the anticipated Plan are: the San Joaquin Council of Governments; San Joaquin County; Caltrans; Federal Highway Administration; San Joaquin Area Flood Control Agency; Stockton East Water District; Reclamation Districts, some local School Districts; East Bay Municipal Utilities District; and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy. To receive coverage under the Plan, incidental take authorizations would be required by each of these entities from the Service and California Department of Fish and Game.

The Plan would be voluntary for individual project proponents. This means that if the anticipated Plan is prepared and approved and its associated incidental take permit issued, individuals would have the option of either participating in the Plan or negotiating directly with the State and Federal permitting agencies. Specifically, for local jurisdictions adopting the Plan, the following alternatives would be available to individuals undertaking activities covered by the Plan within that jurisdiction unless exempted by the Plan: (1) Pay the appropriate fee; (2) dedicate, as conservation easements or fee title, habitat lands; or (3) perform/undertake alternative mitigation as approved by the permittee. Such alternative mitigation would be equivalent to, or otherwise consistent with, the purposes of the anticipated Plan.

Alternatives

To date, the following alternatives have been considered during the planning process:

Full Plan Alternative/Proposed Project: The anticipated Plan would include coverage for approximately 100

special status species and 52 vegetative communities occurring in the County, including wetlands, specifically vernal pools.

No Plan Alternative: This alternative would maintain the current process of negotiating mitigation and obtaining incidental take permits for impacts to wildlife habitat on a project-by-project basis.

Moderate Plan Alternative A: This alternative would exclude species not currently listed under the State and Federal Endangered Species Acts (i.e., non-listed species of special concern) and would exclude wetland mitigation under the anticipated Plan.

Moderate Plan Alternative B: This alternative would address Plan funding if some jurisdictions do not participate in the Plan and if a five-acre exemption is adopted during reauthorization of the Federal Endangered Species Act.

Economic Alternatives: This alternative would involve a single fee versus the tiered fee provided for in the Proposed Project.

Mitigation Alternatives: This would involve a one-half to one compensation level with increased preserve enhancements for agricultural habitat lands versus the one-to-one compensation with lesser preserve enhancements provided for in the Proposed Project.

The comment period will provide an opportunity to address the potential effects of these alternatives and to propose others. Interested persons are encouraged to comment on the issues and alternatives to be addressed in the joint Statement/Report.

Environmental review of the joint Statement/Report will be in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), National Environmental Policy Act regulations (40 CFR parts 1500-1508), other appropriate regulations, and Service procedures for compliance with those regulations. The notice is being furnished in accordance with section 1501.7 of the National Environmental Policy Act to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the joint Statement/Report.

Dated: March 7, 1997.

Thomas J. Dwyer,
Regional Director, Region 1,
Portland, Oregon.

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Bureau of Land Management

[MT-962-1430-00-CCAM]

Notice of Availability for the Proposed Cooke City Area Mineral Withdrawal Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: This notice of availability is issued by the Bureau of Land Management, Interior, with the Forest Service, Agriculture, as the joint lead agency. The draft Environmental Impact Statement (EIS) documents the effects of withdrawing from federal mineral location and entry up to 22,000 acres of federal mineral estate near Cooke City, Montana. The proposed mineral withdrawal would also apply to hardrock minerals acquired by the United States and managed as leasable minerals. The proposed mineral withdrawal would be subject to review after 20 years.

FOR FURTHER INFORMATION CONTACT: John Thompson, BLM Co-Lead, or Larry Timchak, FS Co-Lead, CCAM, P.O. Box 36800, Billings, MT 59107-6800. Phone (406) 255-0322.

SUPPLEMENTARY INFORMATION: This EIS analyzes the environmental consequences of two alternatives. The proposed withdrawal of federal locatable minerals would not allow new mining claims to be filed on federal lands. Unpatented mining claims with valid existing rights and private lands would not be affected. The no action alternative (No Mineral Withdrawal) provides a baseline for comparison. This alternative would continue the management that existed prior to September 1, 1995.

DATES: Public informational meetings (open houses) will be held April 1, 1997, in Cooke City, Montana, at the Fire Hall; April 3, 1997, in Livingston, Montana, at the Best Western Yellowstone Inn; April 9, 1997, in Cody, Wyoming, at the Cody Club Room; and April 10, 1997, in Red Lodge, Montana, at the LuPine Inn. Officials from the BLM and FS will be present at these open houses from 4:00 p.m. until 8:00 p.m. each day.

Dated: February 27, 1997.

Daniel T. Mates,
Acting Deputy State Director, Division of Resources.

[FR Doc. 97-5401 Filed 3-13-97; 8:45 am]

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