ESTIMATION OF THE TOTAL NUMBER OF HOURS NEEDED TO PREPARE THE INFORMATION COLLECTION INCLUDING NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSE, AND HOURS OF RESPONSE

HUD Forms	Respondents	Frequency of Response	Hours of response *
11708	556	1	9.5
11709	556	1	9.5
11709–A	50	1	1
11715	556	1	9.5
11720	556	1	9.5
Total Hours			39

* Respondents × .017 hours = Hours of Response.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: June 2, 1999.

George S. Anderson,

Executive Vice President, Ginnie Mae.

[FR Doc. 99–14931 Filed 6–11–99; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Relocation of Jeanne d'Arc Statue, Place de France, New Orleans, Louisiana

AGENCY: Office of the Secretary, Interior.

ACTION: Notice—Record of Decision.

SUMMARY: The Mayor of the City of New Orleans, Marc. H. Morial, requested that the Secretary of the Interior approve the relocation of the Place de France, including a statue of Jeanne d'Arc and two bronze cannons, now located between the International Trade Mart Building and the former Rivergate, to a new location in the Vieux Carre (the French Quarter), a National Historic Landmark District. After carefully reviewing the effects of this request, the Secretary of the Interior, pursuant to Section 705 of the Housing and Urban Development Act of 1970, Public Law 91–609 (the Act), approved this request on June 4, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Geraldine Smith, Superintendent, Jean Lafitte National Historical Park and Preserve, 365 Canal Street, Suite 2400, New Orleans, Louisiana 70130–1142. (504) 589–3882.

SUPPLEMENTARY INFORMATION:

Background

In 1971, the City applied for grant funds to develop the park currently known as the Place de France (and also the Joan of Arc Plaza) under the Act. The Place contains a gilded bronze statue of Jeanne d'Arc and two bronze cannons manufactured during the Napoleonic Empire donated to the City by the French Government. The City constructed the Place de France in 1972 with these grant funds. Section 705 of the Act states, ''[n]o open-space land involving historic or architectural purposes for which assistance has been granted under this title shall be converted to use for any other purpose without the prior approval of the Secretary of the Interior.'' In *Louisiana Landmarks Society, Inc.* v. *City of New Orleans,* No. 94–3880 (E.D. La. 1995), *rev'd on other grounds,* 85 F.3d 1119 (5th Cir. 1996), the Court found that Section 705 applied to the Place de France. Therefore, the approval of the Secretary must be granted prior to change of use of the Place de France.

The question of what regulatory framework must be applied to the request for approval of the Secretary of the relocation was raised by the Louisiana Landmarks Society (letter dated April 17, 1999). No regulations presently exist that implement Section 705 of the Act. In deleting regulations that existed prior to 1982, HUD explained that ''[to] the extent that there are still ongoing projects remaining under these programs, they continue to be governed by the requirements of the enabling legislation under which they were funded since those statutes remain in effect, as well as the obligations under the respective grant and/or loan contracts with HUD.'' 47 FR 1117 (January, 1982), see also, *Louisiana Landmarks Society, Inc.* v. *City of New Orleans, Etc.* Civ. No. 94–3880 (E.D. La 1994), rev. on other grounds *Louisiana Landmarks Society, Inc.* v. *City of New Orleans, Etc.* 85 F.3d 1119 (5th Cir. 1996).

The Louisiana Landmarks Society suggests that the Secretary look to HUD's repealed regulations for guidance on what issues the Secretary must consider, prior to making his decision. However, the repealed regulations did not set forth any standard that the Secretary should follow in making his decision under the Act. Therefore, the repealed regulations provide no guidance to the Secretary.

The Louisiana Landmarks Society suggests, in the alternative, that the Secretary should look to the Land and Water Conservation Act (LWCF) rules on conversion and apply those standards in making his decision. However, the LWCF rules are not applicable in this situation. The LWCF specifically requires the Secretary to consider specific issues prior to making his determination approving or denying a conversion request for conversion of properties funded by that particular program. See, 16 U.S.C. 460l–8(f)(3) (''No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and locations * * *'') However, the Act is a distinct funding statute with a unique statutory framework. Applying the recreational standards of the LWCF to this HUD urban grant program would be inappropriate.

The plain language of the Act grants the Secretary the authority to make his approval decision in his discretion. Further, this decision is informed by compliance with all other applicable laws. Specifically, the Secretary considers the effects of the relocation on the environment, the Vieux Carre Historic District, and the Place itself.

Although the Secretary has noted the local planning process, the Secretary's

decision is not based on an evaluation of the appropriateness of that process or on any other decisions made at the local level, nor does it purport to comply with the mandates or responsibilities of any other federal agency. This decision merely responds to a specific request made by the City, and is made solely in accordance with Section 705 of the Act.

In making this decision, the Secretary considered the effects of the relocation on the environment, the historic district, and the Place itself. Due to construction adjacent to the Place de France, the City, by letter dated October 29, 1998 from Mayor Marc H. Morial, requested that the Secretary approve relocation of the Place, the statue and the cannons from the current location to the Decatur Street/North Peters Street Triangle in the French Quarter.

On February 18, 1999, although not required by law, the Department of the Interior published notice of the request of the City of New Orleans for the Secretary's approval of the proposed relocation for a thirty day public comment period. 64 FR 8110. In response to a request from the public, the Department extended the public comment period by fifteen days through April 6, 1999. 64 FR 14936. Approximately 220 individuals, organizations or public bodies responded. Of these responses, 191 were from individuals who signed or drafted identical petitions.

Summary of Comments Received

Historic Preservation Issues

Several of the commentators raised questions as to the eligibility of the Place, including the Jeanne d'Arc statue, for inclusion on the National Register of Historic Places. To address this concern, the Department made a request to the Keeper of the National Register for a determination of eligibility of the Place, including the Jeanne d'Arc statute, in compliance with the National Historic Preservation Act of 1966, as amended.

On April 12, 1999, the Keeper determined that neither the Place de France, nor the Jeanne d'Arc statue, was eligible for inclusion in the National Register. The Keeper noted that the Place is associated with the special relationship between New Orleans and France, and that the statue itself ''is clearly an important work of art.'' However, neither the relationship, nor the statue met the basic requirements for Register eligibility. The Keeper's decision addresses an issue that was not resolved in the underlying litigation. In *Louisiana Landmarks Society, Inc.* v. *City of New Orleans,* No.94–3880 (E.D. La. 1995), rev'd on other grounds, 85 F.3d 1119 (5th Cir. 1996), the court found only that the property had ''historic purposes'' under the Act.

The Keeper additionally noted that ''the integrity of both the Place de France and the Jeanne d'Arc statue has been compromised by recent changes'' and that the Place de France has been ''seriously impacted by the adjacent construction.''

According to the Mayor, the relocation site for the Place was identified by the staff of the City Planning Commission in consultation with the staff of the City's Arts Council. In selecting this site, the City took into consideration the following seven factors: (1) urban prominence; (2) scale/urban context; (3) visibility as a deterrent to potential vandalism; (4) pedestrian and vehicular safety; (5) suitability for designated functions; (6) stated wishes of identified interest groups; and (7) favorable comparison to the previous installation. In selecting this site, the City consulted with the French community in the City, with Consul General Mme. Lenoir-Bertrand and with Ambassador Francois Bujon de L'Estang. Additionally, the Vieux Carre Commission, with review and approval authority of all architectural and design actions in the Vieux Carre, unanimously approved the proposed relocation site at a public meeting on March 16, 1999.

Because the City's identified relocation site for the Place, including the Jeanne d'Arc statue, was within the Vieux Carre Historic District, the Department evaluated the effect of the relocation on the District. The Department consulted with the Advisory Council on Historic Preservation as required by Section 106 of the National Historic Preservation Act of 1966, as amended, and 36 CFR Part 800. The National Park Service determined that the effect of the project on the District would not be adverse. Both the Louisiana State Historic Preservation Officer (by letter dated April 28, 1999) and the Advisory Council on Historic Preservation (by letter dated May 4, 1999) concurred with this determination.

Environmental Issues

To identify and analyze potential environmental effects of the proposed action, the Department prepared an Environmental Assessment (EA) in accordance with the National Environmental Policy Act. On April 30, 1999, a notice of availability of the EA was published in the **Federal Register**. 64 FR 23354. A notice of the availability of the EA was published in the local New Orleans newspaper, the Times-Picayune, beginning Tuesday, May 4, 1999 and running for three days. And the Department additionally sent notice directly to individuals who provided comments to the Secretary earlier. Interested parties were given the opportunity to submit any comments on the EA for thirty days from publication of availability of the EA. The last day for comments on the Environmental Assessment was June 1, 1999. The National Park Service received less than 10 comments on the EA.

The comments received and considered by the National Park Service included those comments received in response to the **Federal Register** notices of February 18 (the petitioners) and April 28, 1999 (the respondents). These comments or concerns fell into several general categories: (1) Cultural resources; (2) the current Place de France location; (3) the proposed Place de France location; (4) Harrah's Casino; and (5) general comments.

With reference to the cultural resources there was one comment to the April 28 **Federal Register** notice which asked about the status of the current Place de France and the Jeanne d'Arc statue for listing in the National Register. The Keeper of the National Register of Historic Places issued a formal determination that neither the current Place de France nor the statue were eligible for the National Register.

The current Place de France location drew comments from the petitioners and three respondents to the April 28 notice in the **Federal Register**. The petitioners expressed a preference for the current Place de France because of the contributions of Samuel Wilson, a New Orleans architect and preservationist. The Keeper of the National Register said that notwithstanding the importance of Mr. Wilson, properties less than fifty years old, which this property is, must be shown to be exceptionally important to be eligible for listing in the National Register. The Place de France does not meet this test. Three respondents to the April 28 notice opined that the current Place de France is a better location to commemorate international trade and commerce. However, no supporting data was presented to support this position and the National Park Service found this position unpersuasive.

The proposed Place de France generated the most comments. Five respondents to the April 28 notice in the **Federal Register** found the proposed location in the Vieux Carre to be more aesthetically pleasing for display of the statue. One respondent said that there were multiple locations in the Vieux Carre, including the proposed location, that would be preferable to the current

location. Six respondents found the Vieux Carre preferable to commemorate the French heritage of New Orleans. Additionally in a letter prior to the February 18 notice in the **Federal Register** the French Ambassador expressed the same opinion. One respondent was concerned about the possible deleterious effects of air pollution on the statue. The National Park Service has no substantive information indicating that the Vieux Carre location would be more damaging than the current location. It was also noted that New Orleans currently meets all National Ambient Air Quality Standards. Finally, the petitioners and six respondents raised concerns about safety at the proposed location. However, no evidence was presented that suggested that the relocated Place would attract large crowds of visitors, causing significant impacts to the new location. Furthermore, the City has committed to taking appropriate safety measures on those days that large crowds may be anticipated, such as Bastille Day. Thus, the National Park Service found these concerns to be adequately addressed if large crowds of visitors were ever to occur.

Harrah's Casino was also a topic that generated comment by both the petitioners and four respondents. These parties expressed dissatisfaction with the location of the casino and the role it has played in the proposed relocation of the Place de France. The National Park Service properly noted that the role of the casino on decisions of the city of New Orleans is not an issue before the Department of the Interior. Likewise the location of the casino is not a consideration of the Department of the Interior. We do note, however, that the casino has agreed to pay all costs associated with relocation of the Place de France, the statue and cannon to the Vieux Carre.

Finally, there were numerous comments that are difficult to categorize. First, the petitioners and two respondents expressed concern that the current Place de France had already been badly damaged during the demolition of the Rivergate complex. The National Park Service acknowledged the fact that the site was partially demolished when the city of New Orleans attempted to move the statue in 1994 but noted that the cannon and were not damaged. Also the National Park Service pointed out that nothing was damaged that cannot be replaced or redesigned at the Vieux Carre location. Second the petitioners and three respondents challenged the adequacy of the City's rationale to relocate Place de France. The National Park Service correctly pointed out that the only question before the Department of the Interior is the proposed move, not the rationale for the move. Third, there were questions about the regulatory framework under which the Secretary would make a decision on the City's request. The National Park Service's response was similar to the discussion on this same issue provided earlier in this Record of Decision. Lastly, nine respondents asked about reviews and approvals by various local agencies. The National Park Service referenced the respondents to the site selection process employed by the New Orleans Planning Commission and Arts Council and the approval of the Vieux Carre Commission.

The National Park Service issued a Finding of No Significant Impact (FONSI) on the proposed relocation on June 3, 1999, finding that the Secretary's approval of the request of the City does not constitute a major Federal action significantly affecting the human environment.

Dated: June 4, 1999.

Robert J. Lamb,

Acting Assistant Secretary for Policy Management and Budget.

[FR Doc. 99–15018 Filed 6–11–99; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Notice of Intent To Clarify the Role of Habitat in Endangered Species Conservation

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We (the U.S. Fish and Wildlife Service) announce our intent to develop policy or guidance and/or to revise regulations, if necessary, to clarify the role of habitat in endangered species conservation. Identification of the habitat needs of listed species and the conservation of such habitat is the key to recovering endangered and threatened species. We will examine all the tools available to identify and conserve the habitat of listed and threatened species including critical habitat determinations (prudency and determinability) and designations under section 4 of the Endangered Species Act of 1973, as amended (Act). We intend to streamline the processes involved in completing critical habitat determinations and designations. Our goal is to achieve the greatest conservation benefit in the most cost effective manner for imperilled species. We solicit public comments, and we will incorporate comments into the new proposed guidance as appropriate.

DATES: We will accept comments on this guidance until August 13, 1999.

ADDRESSES: Address comments regarding this guidance to the Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 1849 C Street, N.W., Mailstop ARLSQ–420, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 703–358–2171 (see **ADDRESSES** section).

SUPPLEMENTARY INFORMATION:

Background

Importance of Habitat for Species Conservation

The process of habitat protection through the designation of critical habitat is properly examined in the broad context of the importance of habitat in endangered and threatened species conservation. Virtually every study of the conservation of imperilled species considers habitat as a major component in a species' conservation and eventual recovery. The very purpose of the Act is ''to provide a means whereby the ecosystems upon which endangered species depend may be conserved.'' The National Research Council recognized the importance of habitat in its 1995 book, Science and the Endangered Species Act: ''habitat protection is a prerequisite for conservation of biological diversity and protection of endangered and threatened species.'' The National Research Council further noted: ''the Endangered Species Act, in emphasizing habitat, reflects the current scientific understanding of the crucial role that habitat plays for species' (National Research Council 1995).

Habitat considerations are a key part of virtually every process called for in the Act. We describe the habitat needs of species, and threats to habitat, in detail in all listing rules. In fact, Factor A of the ''Summary of Factors Affecting the Species'' section of all proposed and final listing rules discusses ''The Present or Threatened Destruction, Modification, or Curtailment of the Habitat or Range'' of the species. For most species, the threats to habitat are the most important consideration when determining if a species qualifies for protection under the Act. Habitat considerations are prominent in all recovery plans, and recovery plans include maps and descriptions of the