

site contains habitat (e.g., elderberry shrubs) for the beetle. Construction of the proposed project would result in the removal of 6 elderberry shrubs, with 24 stems greater than 1-inch diameter at ground level, which have been determined to be habitat for the beetle. One beetle exit hole was found in these six shrubs. The project site does not contain any other rare, threatened, or endangered species or habitat. No critical habitat for any listed species occurs on the project site.

The applicant proposes to minimize and mitigate the effects to the covered species associated with the covered activities by fully implementing their Plan. The purpose of the Plan's conservation program is to promote the biological conservation of the covered species, the beetle. The applicant will minimize and mitigate the impacts of taking the beetle by transplanting the six elderberry shrubs that are currently on the construction site, and purchasing between 6 to 20 credits at a Service approved Conservation Bank. Each credit includes an established ratio of elderberry seedlings and native riparian plant seedlings. The number of credits purchased will be based upon the date that the applicant would transplant the six elderberry shrubs to the Conservation Bank. Transplanting outside of the dormant period for elderberry shrubs, November 16th to February 15th, would increase impacts to the beetle. The adult beetles and larvae have a greater likelihood of being killed or injured as a result of the elderberry shrubs increased risk of mortality due to transplanting during the active growing season. Therefore, if the elderberry shrubs are transplanted during the active growing season, the number of credits purchased by the applicant would be toward the higher end of the 6 to 20 credit range.

The Proposed Action consists of the issuance of an incidental take permit and implementation of the Plan, which includes measures to minimize and mitigate impacts of the project on the beetle. Two alternatives to the taking of listed species under the Proposed Action are considered in the Plan. Under the No Action Alternative, no permit would be issued and the office building and parking lot would not be built. Under the Reduced Take Alternative, the office building and parking lot would be built but the size and scope would be reduced and fewer elderberry shrubs would be transplanted.

We have made a preliminary determination that the Plan qualifies as a "low-effect" plan as defined by the Habitat Conservation Planning

Handbook (November 1996). Determination of Low-effect Habitat Conservation Plans is based on the following three criteria: (1) Implementation of the Plan would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the Plan would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the Plan, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects would not result, over time, in cumulative effects to environmental values or resources which would be considered significant. As more fully explained in our EAS, the Plan qualifies as a "low-effect" plan for the following reasons:

1. Approval of the Plan will result in minor or negligible effects on the beetle and its habitat. We do not anticipate significant direct or cumulative effects to the beetle resulting from development of the Folsom Professional Centre.

2. Approval of the Plan will not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the Plan will not result in any cumulative or growth inducing impacts and, therefore, will not result in significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate any Federal, State, local or tribal laws or requirement imposed for the protection of the environment.

5. Approval of the Plan will not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

We, therefore, have preliminarily determined that approval of the Plan qualifies as a categorical exclusion under the NEPA, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. We will consider public comments in making the final determination on whether to prepare such additional documentation.

We are providing this notice pursuant to section 10(c) of the Act. We will evaluate the permit application, the Plan, and comments submitted thereon to determine whether the application

meets the requirements of section 10(a) of the Act. If the requirements are met, we will issue a permit to Catlin Folsom Crossing, L.P. for the incidental take of the beetle from development of the Folsom Professional Centre. We will make the final permit decision no sooner than 30 days from the date of this notice.

Dated: March 14, 2003.

**Ken McDermond,**

*Deputy Manager, Region 1, California/Nevada Operations Office, Sacramento, California.*

[FR Doc. 03-6771 Filed 3-20-03; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Intent To Prepare a Comprehensive Conservation Plan and Associated Environmental Document for Kirwin National Wildlife Refuge in North-central Kansas

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Fish and Wildlife Service intends to gather information necessary to prepare a Comprehensive Conservation Plan and associated environmental document for Kirwin National Wildlife Refuge near Phillipsburg, Kansas. The Service is issuing this notice in compliance with its policy to advise other organizations and the public of its intentions and to obtain suggestions and information on the scope of issues to be considered in the planning process.

**DATES:** Written comments should be received by August 31, 2003.

**ADDRESSES:** Comments and requests for more information should be sent to: Toni Griffin, Planning Team Leader, P.O. Box 25486, Denver Federal Center, Denver, CO 80225-0486; Fax (303) 236-4792; e-mail [toni\\_griffin@fws.gov](mailto:toni_griffin@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Toni Griffin, Planning Team Leader, P.O. Box 25486, Denver Federal Center, Denver, CO 80225-0486; Fax (303) 236-4792; e-mail [toni\\_griffin@fws.gov](mailto:toni_griffin@fws.gov).

**SUPPLEMENTARY INFORMATION:** The Service has initiated comprehensive conservation planning for Kirwin National Wildlife Refuge for the conservation and enhancement of its natural resource. This Refuge, consisting of 10,778 acres is located in the rolling hills and narrow valley of the North Fork of the Solomon River in Phillips county, Kansas.

Kirwin National Refuge was established in 1954 as an overlay project

on a Bureau of Reclamation irrigation and flood control reservoir. “\* \* \* shall be administered by him (Secretary of the Interior) directly or in accordance with cooperative agreements \* \* \* and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, \* \* \*.” 16 U.S.C. 715d (Fish and Wildlife Coordination Act). During the comprehensive planning process, management goals, objectives, and strategies will be developed to carry out the purpose of the Refuge and to comply with laws and policies governing refuge management and public use of refuges. Kirwin National Wildlife Refuge is open to public use.

The Service requests input as to which issues affecting management or public use should be addressed during the planning process. The Service is especially interested in receiving public input in the following areas:

—What do you value most about this Refuge?

—What problems or issues do you see affecting management or public use of this Refuge?

—What changes, if any, would you like to see in the management of this Refuge?

The Service has provided the above questions for your optional use. The Service has no requirement that you provide information. The Planning Team developed these questions to facilitate gathering information about individual issues and ideas. Comments received by the Planning Team will be used as part of the planning process.

Opportunities for public input will also be provided at public meetings during the week of May 19, 2003. Exact dates and times for these public meetings are yet to be determined, but will be announced via local media.

All information provided voluntarily by mail, phone, or at public meetings (e.g., names, addresses, letters of comment, input recorded during meetings) becomes part of the official public record. If requested under the Freedom of Information Act by a private citizen or organization, the Service may provide copies of such information.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), NEPA Regulations (40 CFR 1500–1508), other appropriate Federal laws and regulations, Executive Order 12996, the National Wildlife Refuge System Improvement Act of 1997, and Service policies and procedures for compliance with those regulations.

Dated: March 3, 2003.

**John A. Blankenship,**

*Deputy Regional Director, Denver, Colorado.*

[FR Doc. 03–6783 Filed 3–20–03; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[WY–060–1320–EL, WYW151634]

#### Notice of availability of West Hay Creek Coal Draft Environmental Impact Statement and Federal Coal Notice of Hearing, Wyoming

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

**ACTION:** Notice of Availability (NOA) of a draft environmental impact statement (DEIS) on a maintenance lease for a Federal coal tract in the decertified Powder River Federal Coal Production Region, Wyoming, and notice of public hearing.

**SUMMARY:** Under the National Environmental Policy Act (NEPA) and the implementing regulations, the Bureau of Land Management (BLM) announces the availability of the West Hay Creek Coal DEIS and announces a public hearing pursuant to 43 Code of Federal Regulations (CFR) 3425.4.

The DEIS analyzes and discloses to the public direct, indirect, and cumulative environmental impacts of issuing a Federal coal lease in the Wyoming portion of the Powder River Basin. The BLM is considering a coal lease issuance as a result of an August 31, 2000 application made by Triton Coal Company, LLC to lease approximately 838 acres (approximately about 130 million in-place tons of coal) of Federal coal near the Buckskin Mine in Campbell County, Wyoming.

The purpose of the public hearing is to solicit comments on the DEIS on the proposed competitive sale of the Federal coal in the West Hay Creek Coal tract, and on the fair market value and maximum economic recovery of the Federal coal.

**DATES:** Written comments on the DEIS will be accepted for 60 days following the date that the Environmental Protection Agency (EPA) publishes their NOA of the DEIS in the **Federal Register**. The public hearing will be held at 7 p.m. MST, on April 16, 2003, at the Clarion Hotel, 2009 South Douglas Highway, Gillette, Wyoming. Requests to be included on the mailing list and to receive copies of the DEIS and notification of the comment period and hearing date should be sent to the

address, facsimile number, or electronic address listed below.

The BLM asks that those submitting comments on the DEIS make them as specific as possible with reference to page numbers and chapters of the document. Comments that contain only opinions or preferences will not receive a formal response; however, they will be considered and included as part of the BLM decision-making process.

**ADDRESSES:** Please address questions, comments, or concerns to the Casper Field Office, Bureau of Land Management, Attn: Patricia Karbs, 2987 Prospector Drive, Casper, Wyoming 82604, fax them to 307–261–7587, or send e-mail comments to the attention of Patricia Karbs at

*casper\_wymail@blm.gov*. A copy of the DEIS has been sent to affected Federal, State, and local Government agencies; persons, and entities identified as potentially being affected by a decision to lease the Federal coal in this tract; and persons who indicated to the BLM that they wished to receive a copy of the DEIS. Copies of the DEIS are available for public inspection at the following BLM office locations: BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009; and BLM Casper Field Office, 2987 Prospector Lane, Casper, Wyoming 82604.

Comments, including names and street addresses of respondents, will be available for public review at the Casper Field Office at the address listed above during regular business hours (7:45 a.m. through 4:30 p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Patricia Karbs or Mike Karbs at the above address, or telephone: 307–261–7600.

**SUPPLEMENTARY INFORMATION:** On August 31, 2000, Triton Coal Company, LLC, (Triton) filed a coal lease application for a maintenance tract containing approximately 130 million tons of Federal coal covering approximately 838 acres. Triton, the operator of the Buckskin Mine approximately 12 miles