

an important raptor conservation area; and the preferred alternative, with the alignment and mitigation per the proposed HCP. None of these alternatives, except no action, eliminated potential take of Preble's.

To mitigate impacts that may result from incidental take, the HCP provides for the following mitigation: All temporarily impacted areas resulting from trail construction will be mitigated onsite at a minimum of 1.5:1 ratio by replanting these areas into similar native vegetation to what existed prior to trail construction. Primarily, these areas are currently in weedy vegetation and will, instead, be planted back into native grasses. Shrub habitat will be replaced with identical native shrub species. Additional mitigation activities for temporary take will include weed control at a ratio of 8:1 onsite. Mitigation activities for permanent take will be in the form of weed control at a ratio of 15:1 and also will occur onsite.

The County is committed to providing the necessary staff time and resources to support the implementation of the HCP/EA and currently has adequate staff to do so.

This notice is provided pursuant to section 10(c) of the Act. We will evaluate the permit application, the HCP, and comments submitted therein to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that those requirements are met, a permit will be issued for the incidental take of the Preble's in conjunction with the construction and use of the proposed trail. The final permit decision will be made no sooner than 60 days from the date of this notice.

Dated: March 11, 2003.

**John A. Blankenship,**

*Deputy Regional Director, Denver, Colorado.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

RIN 1018-AH86

#### Final Environmental Impact Statement (FEIS) for the Florida Manatees; Incidental Take Rule Under the Marine Mammal Protection Act During Specified Activities

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

**ACTION:** Notice of availability.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the

availability of the FEIS that assesses effects from proposing regulations to authorize the incidental, unintentional take of small numbers of Florida manatees (*Trichechus manatus latirostris*) resulting from government activities related to watercraft and watercraft access facilities within three regions of Florida for the next five years. This FEIS analyzes the environmental and socioeconomic consequences of the proposed action, and alternatives to the proposed action, as required under section 102(2)(c) of the National Environmental Policy Act.

**DATES:** The Fish and Wildlife Service will execute a Record of Decision based on the FEIS, no sooner than May 3, 2003, or 30 days after the date of publication of this Notice of Availability in the **Federal Register**, and after publication of the related notice by the Environmental Protection Agency.

**ADDRESSES:** Information regarding this FEIS is available in alternative formats upon request. Comments and materials received on the proposed EIS, as well as supporting documentation used in the preparation of this FEIS, will be available for public inspection, by appointment, during normal business hours from 8 a.m. to 4:30 p.m. Monday through Friday at the Jacksonville Field Office, U.S. Fish and Wildlife Service, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216. You may obtain copies of this document online at <http://northflorida.fws.gov>, by electronic mail request to [manatee@fws.gov](mailto:manatee@fws.gov) or by calling Chuck Underwood of the Jacksonville Field Office at (904) 232-2580 (extension 109).

#### SUPPLEMENTARY INFORMATION:

##### Background

The MMPA of 1972 (16 U.S.C. 1361-1407) sets a general moratorium, with certain exceptions, on the taking and importation of marine mammals and marine mammal products and makes it unlawful for any person to take, possess, transport, purchase, sell, export, or offer to purchase, sell, or export, any marine mammal or marine mammal product unless authorized. "Take" as defined by the MMPA and its implementing regulations (50 CFR part 18) means "to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal, including, without limitation, any of the following—the collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the

doing of any other negligent or intentional act which results in the disturbing or molesting of a marine mammal."

"Harassment" is defined under the MMPA as, "any act of pursuit, torment, or annoyance which—(i) has the potential to injure a marine mammal or marine mammal stock in the wild; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering."

The prohibitions on take apply to all persons, including Federal, State, and local government agencies with the exception of humane taking (including euthanasia) by government officials while engaged in their official duties, if such taking is (1) for the protection or welfare of a marine mammal; (2) for the protection of the public health and welfare; or (3) the non-lethal removal of nuisance animals. When feasible, steps designed to ensure return of such animals to their natural habitat, if not killed in the course of such taking, must be implemented (16 U.S.C. 1379(h)).

Section 101(a)(5)(A) of the MMPA allows the Secretary of the Department of the Interior, through the Director of the Service, upon request, to authorize by specific regulation the incidental, unintentional take of small numbers of marine mammals by U.S. citizens engaged in specific identified activities (other than commercial fishing) within specific geographic areas. This is the mechanism by which incidental, but not intentional, take of small numbers of marine mammals may be authorized in accordance with Federal law for activities other than commercial fishing if certain findings are made and regulations are enacted pursuant to 50 CFR 18.27. The Director must find that the total of such taking during the specified time period (which cannot be more than five consecutive years) will have no more than a negligible impact on the species or stock and will not have an unmitigable impact on the availability of such species or stock for subsistence uses. The subsistence provision is not applicable to Florida manatees.

The regulations implementing the MMPA define negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 18.27(c)). If negligible impact findings are made, we establish specific regulations identifying permissible

methods of taking by such activity, means of effecting the least practicable adverse impact on the species or stock and its habitat, and requirements for monitoring and reporting such taking. If a finding cannot be made that the total taking will have a negligible impact on the species or stock, the negative finding and the basis for denying the request for the incidental take must be published in the **Federal Register** pursuant to 50 CFR 18.27(d)(4).

We have defined the specified geographic area for this action to be the species range within the State of Florida. Long-term studies suggest four regional populations of manatees in Florida—Northwest, Upper St. Johns River (from Palatka south), Atlantic (including the St. Johns River north of Palatka), and Southwest, and we have defined these populations as stocks.

Based upon the best available scientific information, we concluded in the November 14, 2002, proposed rule and draft Environmental Impact Statement (66 FR 69078) that the total expected takings of Florida manatees resulting from government activities that authorize or regulate watercraft or watercraft access facilities would have a negligible impact on three of the four stocks. In accordance with 50 CFR 18.27, we will publish a final determination on each of the four stocks in the **Federal Register** upon finalization of a record of decision at the close of the waiting period.

If we determine that these activities will have negligible impact, government agencies who engage in the specified activities in the specified area could apply for a Letter of Authorization (LOA), which, if granted, would authorize incidental take associated with the applicant's activities. In return for committing to specific measures that minimize the applicant's impact on the stock and ensure that the total taking remains at the negligible level, the applicant receives authorization for any remaining take that occurs and that would otherwise be unlawful under the MMPA. General procedures for obtaining an LOA are described at 50 CFR 18.27(f).

#### Author

The primary author of this notice is Pete Benjamin (904/232-2580).

#### Authority

The authority to establish regulations that would authorize for the next five years the incidental, unintentional take of small numbers of Florida manatees is provided by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), as amended.

Dated: March 26, 2003.

**Judy Pulliam,**

*Acting Regional Director.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-070-1610-DQ]

#### Notice of Availability of the Farmington Proposed Resource Management Plan and Final Environmental Impact Statement, Farmington Field Office, NM

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

**ACTION:** Notice of availability of the Farmington Proposed Resource Management Plan (PRMP) and Final Environmental Impact Statement (FEIS).

**SUMMARY:** The Bureau of Land Management (BLM) announces the availability of the Farmington PRMP Revision and FEIS for the Farmington Field Office (FFO) and portions of the Albuquerque Field Office (AFO), New Mexico. This document identifies and analyzes land use planning options for managing approximately 2 million acres of public lands and just over 3 million acres of Federal mineral estate administered by the FFO and the San Juan Basin portion of the AFO in New Mexico. The planning area for the PRMP/FEIS includes all of San Juan County and portions of McKinley, Rio Arriba, and Sandoval Counties in northwest New Mexico. The PRMP revises and will replace the previous 1988 RMP.

**DATES:** The Farmington PRMP/FEIS will be available for a 30-day protest period in accordance with BLM's land use planning regulations (43 CFR 1610.5-2). These regulations state that any person who participated in the planning process and has an interest which may be adversely affected may protest. A protest may raise only those issues which were submitted for the record during the planning process. Instructions for filing of protests are described in the PRMP/FEIS and included in the Supplementary Information section of this notice.

**FOR FURTHER INFORMATION, CONTACT:** RMP Project Manager, Farmington Field Office, 1235 La Plata Highway, Suite A, Farmington, NM 87401-8754. Copies of the PRMP/FEIS have been sent to affected Federal, State, and Local Government agencies and to interested parties. Copies of the PRMP/FEIS are

available for public inspection at the Bureau of Land Management, Farmington Field Office, 1235 La Plata Highway, Farmington, New Mexico 87401. Interested persons may also review the PRMP/FEIS on the Internet at <http://www.nm.blm.gov>.

**SUPPLEMENTARY INFORMATION:** The PRMP/FEIS pertains to public lands in the FFO area, except where a small portion of the San Juan Oil and Gas Basin lies within the administrative boundary of the AFO. The PRMP/FEIS fulfills the requirements of the Federal Land Policy and Management Act and the National Environmental Policy Act. The preferred alternative from the Draft RMP was carried forward in the FEIS as the proposed RMP and focuses on the comprehensive management of the public lands and the resolution of five key issues, identified during the planning process. The five major issues are: (1) Oil and gas leasing and development; (2) landownership adjustments; (3) specially designated areas; (4) off-highway vehicle (OHV) use; and (5) coal leasing suitability assessment.

#### Specific to Each Issue the Proposed RMP Would

1. Continue to make lands available for oil and gas development. The FEIS documents the analysis of approximately 9,942 new oil and gas wells on public lands over the next 20 years for the PRMP.

2. Make available a total of 340,118 acres of public lands for disposal while another 178,237 acres are identified for possible acquisition.

3. Place a total of 649,901 acres in Specially Designated Areas (Research Natural Areas, Areas of Critical Environmental Concern, Wilderness Areas, Recreation, Paleontological, and Wildlife Areas). The PRMP includes removal of the Areas of Critical Environmental Concern (ACECs) designated on four areas totaling 2,765 acres because the designation is no longer necessary (three are within a Wilderness Area, and one was for a plant species that is more widely spread than previously known), designating 14 new ACECs totaling 16,884 acres, and changing the size or use limitations of 42 existing ACECs.

4. Place in the Limited OHV use category 1,353,301 acres of public lands until OHV activity plans are prepared. A total of 57,369 acres would remain closed to OHV use. Within the limited category, 5,806 acres have the potential to be placed in the open category pending the development of OHV activity plans.