

maximum level of permanent impacts allowable under the LAHCP within the portion of the CZ owned by private landowners would be 20 percent (3 percent not requiring mitigation and 17 percent requiring mitigation) and 1 percent on lands owned by The Nature Conservancy (TNC), Colorado Division of Wildlife (CDOW), and the State Land Board (SLB) (not requiring mitigation). In all cases habitat connectivity would be maintained.

In addition to the proposed action, alternatives considered included—(a) no action, (b) development of individual conservation easements, and (c) waiting for Larimer County to develop and gain approval of a county-wide HCP. The draft EA analyzes the direct, indirect, and cumulative impacts of the proposed activities and mitigation on the Preble's, and also on other threatened or endangered species, vegetation, wildlife, wetlands, geology/soils, land use, cultural resources, air quality, and water resources and quality.

Two federally listed species, the threatened Preble's and the threatened bald eagle (*Haliaeetus leucocephalus*), occur onsite. However, only the Preble's has the potential to be adversely affected by the activities covered in the LAHCP. To mitigate impacts that may result from incidental take (exceeding the limit of 3 percent on private land and 1 percent on the TNC, CDOW, and SLB land), the LAHCP provides for mitigation in the form of either (1) conservation of existing habitat at a ratio of 4:1 (4 acres conserved for every 1 acre of habitat in the CZ impacted), or (2) habitat improvement or creation at a ratio of 2:1. Additionally, the LAHCP calls for mitigation of temporary impacts to the CZ at a 1:1 ratio and identifies methods for and timing of reseeding of temporarily disturbed areas. A monitoring program would be implemented to determine whether the LAHCP is achieving the biological goals and objectives outlined in the plan.

This notice is provided pursuant to section 10(c) of the Act. We will evaluate the permit application, the EA/LAHCP, 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 development of new agricultural and residential structures and ongoing agricultural activities in the Livermore Area of northern Larimer County, Colorado. The final permit decision will be made no sooner than 60 days after the date of this notice.

Dated: December 29, 2003.

**Ralph O. Morgenweck,**  
Regional Director, Denver, Colorado.  
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**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-030-1430-ES; NMNM13030]

#### Termination of A Recreation and Public Purposes (R&PP) Classification and An Order Providing for Opening of Land; NM

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice.

**SUMMARY:** This order terminates a BLM R&PP classification affecting 506.57 acres of public land near Las Cruces, New Mexico. This land will be opened to the public land laws generally, including the mining laws. The land has been and remains open to mineral leasing.

The land is described as follows:

#### New Mexico Principal Meridian

T. 23 S., R. 1 E.,  
Sec. 29: Lots 6 to 10, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ .

The area described contains 506.57 acres in Dona Ana County.

**DATES:** The termination/opening order is effective February 12, 2004.

**ADDRESSES:** Bureau of Land Management, Las Cruces Field Office, 1800 Marquess, Las Cruces, New Mexico 88005.

**FOR FURTHER INFORMATION CONTACT:** Angel Mayes, Realty Specialist, at the address above or by telephone at (505) 525-4376.

**SUPPLEMENTARY INFORMATION:** By virtue of the authority vested in the Secretary of the Interior by the R&PP Act of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*), it is ordered as follows:

1. Pursuant to the regulations in 43 CFR 2091.7-1(b)(1) and the authority delegated by BLM Manual Section 1203 (43 FR 85), the classification decision of March 2, 1985, which classified 506.57 acres of public land as suitable for recreation and public purposes under the Act of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*), under Serial Number NMNM13030, is hereby revoked.

2. At 8 a.m. on February 12, 2004, the land will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of

applicable law. All valid application received at or prior to 8 am on February 12, 2004, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8 a.m. on February 12, 2004, the land will be opened to location and entry under the United States mining laws, subject to valid existing rights; the provisions of existing withdrawals; other segregations of record; and the requirements of applicable law. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. State law governs acts required to establish a location and to initiate a right of possession where not in conflict with Federal law. BLM will not intervene in disputes between rival locator over possessory rights since Congress has provided for such determinations in local courts.

Dated: August 28, 2003.

**Amy L. Lueders,**  
Field Manager, Las Cruces.  
[FR Doc. 04-620 Filed 1-12-04; 8:45 am]

**BILLING CODE 4310-VC-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-050-7122ES F666; N-76468-01]

#### Notice of Realty Action: Lease/Conveyance for Recreation and Public Purposes

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

**ACTION:** Recreation and public purpose lease/conveyance.

**SUMMARY:** The lands described below are currently withdrawn from location and entry under the mining laws and from operation under the mineral leasing and geothermal leasing laws under Sec. 4(c) of the Southern Nevada Public Lands Management Act (Pub. L. 105-263), BLM serial number N-66364. The land has been examined and found suitable for lease/conveyance for recreation or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The State of Nevada proposes to use the land for a Cooperative Extension Office.