

*States of the proposed information collection:* Pending OMB approval.

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

Dated: January 2, 2004.

**Darlene F. Williams,**

*General Deputy, Assistant Secretary for Policy Development and Research.*

[FR Doc. 04-606 Filed 1-12-04; 8:45 am]

**BILLING CODE 4210-62-M**

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Issuance of Permit for Incidental Take of Threatened Species for the Struthers Ranch Property, El Paso County, Colorado

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

**ACTION:** Notice of issuance of permit for incidental take of threatened species.

**SUMMARY:** On July 3, 2003, notice was published in the **Federal Register** (68 FR 39962) that an application had been filed with the Fish and Wildlife Service (Service) by the Struthers Ranch Development, LLC, for a permit to incidentally take Preble's meadow jumping mouse (*Zapus hudsonius preblei*), pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act) (16 U.S.C. 1539), as amended. The "Environmental Assessment/Habitat Conservation Plan for Issuance of an Endangered Species Section 10(a)(1)(B) Permit for the Incidental Take of the Preble's Meadow Jumping Mouse (*Zapus hudsonius preblei*) for the Struthers Ranch Property in El Paso County, Colorado" accompanied the permit application.

Notice is hereby given that on December 12, 2003, as authorized by the provisions of the Act, the Service issued a permit (TE-073390-0) to the above named party subject to certain conditions set forth therein. The permit was granted only after the Service determined that it was applied for in good faith, that granting the permit will not be to the disadvantage of the threatened species, and that it will be consistent with the purposes and policy set forth in the Act.

Additional information on this permit action may be requested by contacting the Colorado Field Office, 755 Parfet Street, Suite 361, Lakewood, Colorado 80215, telephone (303) 275-2370, between the hours of 8 a.m. and 4:30 p.m. weekdays.

Dated: December 29, 2003.

**Ralph O. Morgenweck,**

*Regional Director, Region 6.*

[FR Doc. 04-630 Filed 1-12-04; 8:45 am]

**BILLING CODE 4310-55-P**

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Draft Environmental Assessment and Habitat Conservation Plan and Receipt of Application for an Incidental Take Permit for Livermore Area in Larimer County, CO

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

**ACTION:** Notice of availability and receipt of application.

**SUMMARY:** This notice advises the public that the Livermore Area Landowners Group, The Nature Conservancy and the State of Colorado (Applicants) have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act (Act) of 1973, as amended. The proposed permit would authorize the incidental take of the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (Preble's), federally listed as threatened, through loss and modification of its habitat associated with development of new agricultural and residential structures and ongoing agricultural activities in the Livermore Area of northern Larimer County, Colorado. The duration of the permit would be 30 years from the date of issuance.

We announce the receipt of the Applicant's incidental take permit application, which includes an Environmental Assessment (EA) and the Livermore Area Habitat Conservation Plan (LAHCP) for the Preble's in the Livermore Area of Larimer County, Colorado. The proposed EA and LAHCP are available for public review and comment. They fully describe the proposed project and the measures the Applicants would undertake to minimize and mitigate project impacts to the Preble's.

The Service requests comments on the EA and LAHCP and associated documents for the proposed issuance of the incidental take permit. All comments on the EA and permit application will become part of the administrative record and will be available to the public. We provide this notice pursuant to section 10(a) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**DATES:** Written comments on the permit application, EA and LAHCP should be received on or before March 15, 2004.

**ADDRESSES:** Comments regarding the permit application, EA, and LAHCP should be addressed to Mary Henry, Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225-0486. (Street location is 134 Union Boulevard, Lakewood, Colorado 80228-1807). Comments also may be submitted by facsimile to (303) 236-0027.

**FOR FURTHER INFORMATION CONTACT:** Bob McCue, Ecological Services Program Supervisor (South), telephone (303) 236-7400, extension 252.

#### SUPPLEMENTARY INFORMATION:

##### Document Availability

Individuals wishing copies of the EA and LAHCP and associated documents for review should immediately contact the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address.

##### Background

Section 9 of the Act and Federal regulations prohibit the "take" of a species listed as endangered or threatened. Take is defined under the Act, in part, as to kill, harm, or harass a federally listed species. However, the Service may issue permits to authorize "incidental take" of listed species under limited circumstances. Incidental take is defined under the Act as take of a listed species that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity under limited circumstances. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32.

The Livermore Planning Area encompasses 114,634 hectares (283,266 acres) of land utilized primarily for agricultural purposes with a limited amount proposed for development. The applicants are making participation in the LAHCP available to all landowners within the Livermore Planning Area who voluntarily agree to participate. Within the planning area, the LAHCP proposes a 8,626.3-hectare (21,316-acre) conservation zone (CZ) consisting of corridors along 323.5 kilometers (201 miles) of streams.

The applicants have determined that the activities covered by the LAHCP could impact 1,358.4 hectares (3,356.7 acres) of Preble's habitat along 46.3 stream kilometers (28.8 stream miles), if all lands containing potential Preble's habitat within the CZ of the planning area are enrolled in the LAHCP. The

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 reseeded 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.  
[FR Doc. 04-631 Filed 1-12-04; 8:45 am]  
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<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> and S<sup>1</sup>/<sub>2</sub>.

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 locators 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.