

the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with surveys throughout Southern California for the purpose of enhancing their survival.

**Permit No. TE-090849**

*Applicant:* David Kern Wolff.

The applicant requests a permit to take (capture and collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing their survival.

**Permit No. TE-089980**

*Applicant:* Hagar Environmental Science, Richmond, California.

The applicant requests a permit to take (capture and release) the tidewater goby (*Eucyclogobius newberryi*) in conjunction with surveys in Santa Cruz County, California, for the purpose of enhancing its survival.

**Permit No. TE-809232**

*Applicant:* BIO-WEST, Logan, Utah.

The permittee requests an amendment to take (capture and release) the Pahump poolfish (*Empetrichthys latos*), the Moapa dace (*Moapa coriacea*), the White River springfish (*Crenichthys baileyi baileyi*), the Hiko White River springfish (*Crenichthys baileyi grandis*), the Pahrnagat roundtail chub (*Gila robusta jordani*), and the White River spinedace (*Lepidomeda albivallis*) in conjunction with surveys in Clark, White Pine, Lincoln, and Nye Counties, Nevada, for the purpose of enhancing their survival.

**Permit No. TE-091012**

*Applicant:* Molly Goble, San Ramon, California.

The applicant requests a permit to take (harass by survey, capture, handle, larval sample, and release) the California tiger salamander (*Eucyclogobius newberryi*) in conjunction with surveys in Sonoma and Santa Barbara Counties, California, for the purpose of enhancing its survival.

**Permit No. TE-815214**

*Applicant:* Oceano Dunes State Vehicular Recreation Area, Arroyo Grande, California.

The permittee requests an amendment to take (band) the California least tern (*Sterna antillarum browni*) and the western snowy plover (*Charadrius alexandrinus nivosus*) in conjunction with monitoring in San Luis Obispo and Santa Barbara Counties, California, for the purpose of enhancing their survival.

We solicit public review and comment on each of these recovery permit applications.

Dated: July 23, 2004.

**D. Kenneth McDermond,**

*Acting Manager, California/Nevada Operations Office, Fish and Wildlife Service.*

[FR Doc. 04-18104 Filed 8-6-04; 8:45 am]

**BILLING CODE 4310-55-U**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Receipt of a Request To Amend the Woodlands' 10(a)(1)(B) Permit for Incidental Take of the Bald Eagle**

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Woodlands Operating Company, L.P., has requested an amendment to the incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act) issued by the U.S. Fish and Wildlife Service (Service) on August 23, 2002 under permit number TE-048649. The permit authorizes incidental take of the threatened bald eagle (*Haliaeetus leucocephalus*) as a result of the otherwise lawful development of the East Lake Area of The Woodlands, Montgomery County, Texas. The requested amendment would authorize incidental take at all nests built by the pair of bald eagles whose territory is on the East Lake Area of the Woodlands and that a 330 foot management zone be established around each active nest site.

**DATES:** To ensure consideration, written comments must be received on or before September 8, 2004.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. In addition, the amendment application will be available for public inspection by written request, by appointment only,

during normal business hours (8 to 4:30) at the Service's Clear Lake Ecological Services Field Office, 17629 El Camino Real, Suite 211, Houston, Texas 77058 (281/286-8282). Written comments concerning the application should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, Houston, Texas, at the above address. Please refer to the amendment to TE-048649 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:**

Edith Erfling at the U.S. Fish and Wildlife Service, Clear Lake Ecological Services Field Office, 17629 El Camino Real, Suite 211, Houston, Texas 77058 (281/286-8282).

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the bald eagle. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

**Background**

A pair of bald eagles were discovered in December of 1999 nesting on the east shore of Lake Woodlands, an amenity lake created for The Woodlands development. A Habitat Conservation Plan was developed and approved that addressed the measures the Applicant proposed to minimize and mitigate for the anticipated take and an incidental take permit was issued on August 23, 2002.

In early 2004, the Permittee discovered that the nesting pair of bald eagles that was the subject of the original permit action had constructed a second nest site approximately ¼ mile south of the previous nest in an area of existing and ongoing development activity. Water lines, sanitary sewer lines, and storm sewer lines were installed within 200-300 feet of the new nest site presumably while the eagles were building the nest. The new nest is also located approximately 700 feet from Woodlands Parkway, which is used by 48,000 cars per day. As of May 2004, two eaglets had fledged from the new nest and have been seen perching in trees overlooking the on-going construction activity.

There was no construction activity or other known disturbance within 1500 feet of the old nest tree, which may have caused the pair of eagles to move to a new site. A hole was observed in the existing nest at the end of the 2003 nesting season.

*Applicant:* The Woodlands is a 28,000-acre master-planned new

community development, located approximately 30 miles north of Houston, Montgomery County, Texas. The current population of The Woodlands is approximately 63,000 residents. At build-out, the total population is expected to reach 110,000 residents. This action may result in the abandonment of the nest site. The Permittee proposes to compensate for this incidental take by agreeing to provide buffers between forested areas and development as well as funding a bald eagle research project.

Pursuant to the June 10, 2004, order in *Spirit of the Sage Council v. Norton*, Civil Action No. 98-1873 (D. D.C.), the Service is enjoined from approving new section 10(a)(1)(B) permits or related documents containing "No Surprises" assurances until such time as the Service adopts new permit revocation rules specifically applicable to section 10(a)(1)(B) permits in compliance with public notice and comment requirements of the Administrative Procedure Act. This notice concerns a step in the review and processing of a section 10(a)(1)(B) permit and any subsequent permit issuance will be in accordance with the Court's order. Until such time as the Service's authority to issue permits with "No Surprises" assurances has been reinstated, the Service will not approve any incidental take permits or related documents containing "No Surprises" assurances.

**Stuart C. Leon,**

*Acting Regional Director, Southwest Region, Albuquerque, New Mexico.*

[FR Doc. 04-18102 Filed 8-6-04; 8:45 am]

**BILLING CODE 4510-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AK-932-1430-ET; AA-58198]

#### Public Land Order No. 7607; Revocation of Secretarial Order Dated January 24, 1941, as Modified; Alaska

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

**ACTION:** Public land order.

**SUMMARY:** This order revokes in its entirety a Secretarial Order as it affects 14.12 acres of public land withdrawn for Air Navigation Site No. 151 at Cache Creek, Alaska. The land is no longer needed for the purpose for which it was withdrawn.

**EFFECTIVE DATE:** August 9, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Robbie J. Havens, Bureau of Land Management, Alaska State Office, 222

W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

**SUPPLEMENTARY INFORMATION:** The location of Air Navigation Site No. 151 is within a Mineral Survey that has been conveyed out of Federal ownership.

#### Order

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000) it is ordered as follows:

The Secretarial Order dated January 24, 1941, as modified, which withdrew public land for air navigation purposes, is hereby revoked in its entirety as it affects the following described land:

#### Seward Meridian

U.S. Survey No. 9708, located within T. 28 N., R. 9 W.

The area described contains 14.12 acres.

Dated: July 7, 2004.

**Rebecca W. Watson,**

*Assistant Secretary—Land and Minerals Management.*

[FR Doc. 04-18134 Filed 8-6-04; 8:45 am]

**BILLING CODE 4310-JA-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AK-932-1410-HY; A-031764]

#### Public Land Order No. 7609; Partial Revocation of Public Land Order No. 1949; Alaska

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

**ACTION:** Public land order.

**SUMMARY:** This order revokes a Public Land Order insofar as it affects approximately 74,248 acres of public lands withdrawn for military purposes for the Department of the Navy at Adak, Alaska. The lands are no longer needed for military purposes have been identified as excess to the needs of the Department of Defense pursuant to the Defense Base Closure and Realignment Act of 1990.

**EFFECTIVE DATE:** August 9, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Robbie J. Havens, Bureau of Land Management, Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

**SUPPLEMENTARY INFORMATION:** All of the lands being retained by the Department of the Navy, and approximately 26,977 acres included in this revocation are within the Alaska Maritime National Wildlife Refuge. The remaining 47,271 acres have been conveyed out of Federal

ownership pursuant to Public Law 107-239. This revocation is for record-clearing purposes.

#### Order

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

Public Land Order No. 1949, which withdrew public lands for use by the Department of Navy for military purposes, is hereby revoked insofar as it affects the following described lands:

#### Seward Meridian

That part of Adak Island east of the Bay of Island and north of Latitude 51°47'15" except for the following described lands (approximately 5,624 acres) retained by the Department of the Navy:

T. 95 S., R. 195 W., (unsurveyed),

Sec. 9, S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>;

Secs. 10 and 11;

Sec. 12, W<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>, W<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>, and W<sup>1</sup>/<sub>2</sub>;

Secs. 14, 15, and 16;

Sec. 17, E<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>;

Sec. 20, E<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, and SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;

Secs. 21 and 22;

Sec. 23, W<sup>1</sup>/<sub>2</sub>;

Sec. 26, NW<sup>1</sup>/<sub>4</sub>, that portion of W<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub> west of Andrew Lake, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, and S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;

Sec. 27, N<sup>1</sup>/<sub>2</sub>;

Sec. 28, N<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>, and W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>;

Sec. 29, E<sup>1</sup>/<sub>2</sub>, E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>,

N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, and N<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>;

Sec. 30, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, and

N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;

Sec. 32, N<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>;

Sec. 33, N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> and N<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>.

The area described contains approximately 74,248 acres.

Dated: July 7, 2004.

**Rebecca W. Watson,**

*Assistant Secretary—Land and Minerals Management.*

[FR Doc. 04-18135 Filed 8-6-04; 8:45 am]

**BILLING CODE 4310-JA-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR-958-1430-ET; HAG-04-0047; WAOR-56583]

#### Public Land Order No. 7608; Transfer of Jurisdiction, Chief Joseph Dam Additional Units Project; Washington

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

**ACTION:** Public land order.

**SUMMARY:** This order transfers jurisdiction over 400.27 acres of land to the United States Department of Army, Corp of Engineers, and withdraws the