

**FOR FURTHER INFORMATION CONTACT:** Ms. Barbara Spagnuolo, Fish and Wildlife Biologist, Colorado Field Office, telephone (303) 275-2370.

**SUPPLEMENTARY INFORMATION:**

**Document Availability**

Individuals wishing copies of the EA/HCP 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 ESA and Federal regulations prohibit the "take" of a species listed as endangered or threatened. Take is defined under the ESA, 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 ESA 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 Pinery West Subdivision Property is located approximately seven miles south of Parker on Route 83, along Cherry Creek, in the City of Parker, Douglas County, State of Colorado. The project site is 127.1 hectares (314.3 acres), but the proposed project will directly impact a maximum of 6.3 hectares (15.5 acres), according to the Service's definition of Preble's habitat, that may result in incidental take of the Preble's. An HCP has been developed as part of the preferred alternative to allow for the incidental take of the Preble's by permitting a commercial and industrial subdivision to be constructed in an area that may be periodically used as foraging, breeding, or hibernation habitat.

In addition to the Proposed Action, alternatives considered included: (a) waiting for the Douglas County Regional HCP to be approved; (b) construction of the subdivision at an alternative site; (c) an alternative site design that included a residential development; and (d) no action. The EA analyzes the onsite, offsite, and cumulative impacts of the proposed project and all associated development and construction activities and mitigation activities on the Preble's, and also on vegetation, wildlife, wetlands, geology/soils, land use, water resources, air and water quality, and cultural resources.

Only one federally-listed species, the threatened Preble's, occurs onsite and

has the potential to be adversely affected by the project. To mitigate impacts that may result from incidental take, the HCP provides mitigation that will likely provide a net benefit to the Preble's mouse and other wildlife by enhancing the Cherry Creek corridor onsite and its associated riparian areas through revegetation efforts, including planting of native grasses and shrubs, and protecting existing habitat along Cherry Creek from any future development by placing land in open space. Following construction, 1.9 hectares (4.8 acres) of uplands and 16.9 hectares (39.7 acres) of floodplain will be reseeded. Willows also will be planted on 0.8 hectare (2.0 acres) of floodplain. In addition, grazing will be removed and noxious weeds will be controlled on 52.04 hectares (128.6 acres). The Applicant also proposes to dedicate 52.04 hectares (128.6 acres) of the project that is not developed to Douglas County as open space. Two large sediment control ponds will be constructed to collect storm water from the completed subdivision. The water will be discharged at a controlled rate, thus minimizing erosion and facilitating revegetation of upland areas with additional water. Measures will be taken during construction to minimize impact to the habitat, including the use of silt fencing to reduce the amount of sediment from construction activities that reaches the creek. All of the proposed mitigation area is within the boundaries of the Pinery West Subdivision property, all of which is included in the drainage basin of Cherry Creek.

This notice is provided pursuant to section 10(c) of the ESA. We will evaluate the permit application, the EA/HCP, and comments submitted therein to determine whether the application meets the requirements of section 10(a) of the ESA. 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 of Pinery West Subdivision. The final permit decision will be made no sooner than 60 days after the date of this notice.

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 the 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 that contain "No Surprises" assurances.

**Sharon Rose,**

*Regional Director, Denver, Colorado.*

[FR Doc. 04-21171 Filed 9-20-04; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[MT-921-04-1320-EL-P; MTM 93477]

**Notice of Invitation—Coal Exploration License Application MTM 93477**

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

**ACTION:** Notice.

**SUMMARY:** Members of the public are hereby invited to participate with Spring Creek Coal Company in a program for the exploration of coal deposits owned by the United States of America in lands located in Big Horn County, Montana, encompassing 1937.92 acres.

**FOR FURTHER INFORMATION CONTACT:** Robert Giovanini, Mining Engineer, or Connie Schaff, Land Law Examiner, Branch of Solid Minerals (MT-921), Bureau of Land Management (BLM), Montana State Office, P.O. Box 36800, Billings, Montana 59107-6800, telephone (406) 896-5084 or (406) 896-5060, respectively.

**SUPPLEMENTARY INFORMATION:** The lands to be explored for coal deposits are described as follows:

*T. 8 S., R. 38 E., P.M.M.*

Sec. 12: Lots 7, 10, E $\frac{1}{2}$ SE $\frac{1}{4}$

*T. 8 S., R. 39 E., P.M.M.*

Sec. 4: Lots 13-24, S $\frac{1}{2}$

Sec. 5: Lots 13-16, 18-24

Sec. 8: SE $\frac{1}{4}$

Sec. 9: E $\frac{1}{2}$

Sec. 14: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$

Any party electing to participate in this exploration program shall notify, *in writing*, both the State Director, BLM, P.O. Box 36800, Billings, Montana 59107-6800, and Spring Creek Coal Company, P.O. Box 67, Decker, Montana 59025. Such written notice must refer to serial number MTM 93477 and be received no later than 30 calendar days after publication of this Notice in the **Federal Register** or 10 calendar days after the last publication of this Notice

in the *Sheridan Press* newspaper, whichever is later. This Notice will be published once a week for two (2) consecutive weeks in the *Sheridan Press*, Sheridan, Wyoming.

The proposed exploration program is fully described, and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management. The exploration plan, as submitted by Spring Creek Coal Company, is available for public inspection at the Bureau of Land Management, 5001 Southgate Drive, Billings, Montana, during regular business hours (9 a.m. to 4 p.m.), Monday through Friday.

Dated: August 9, 2004.

**Randy D. Heuscher,**

*Chief, Branch of Solid Minerals.*

[FR Doc. 04-21129 Filed 9-20-04; 8:45 am]

**BILLING CODE 4310-SS-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CO-910-04-0777-XX]

#### Notice of Bureau of Land Management Front Range Resource Advisory Council Call for Nominations; Colorado

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

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management (BLM) Front Range Resource Advisory Council is hosting a call for nominations for a position on the advisory council. There is a vacated seat in category Two representing archaeology/history. Upon appointment, the individual selected to this position will fill the seat until August 20, 2005, the remainder of this position's term.

**DATES:** BLM will accept public nominations until October 21, 2004. Applicants are requested to submit a completed nomination form and nomination letters to the address listed below no later than October 21, 2004.

**ADDRESSES:** Send nominations to: Ken Smith, Cañon City Field Office, BLM, 3170 E. Main Street, Cañon City, Colorado 81212; 719-269-8553.

**FOR FURTHER INFORMATION CONTACT:** Hillerie C. Patton, Bureau of Land Management, (303) 239-3671.

**SUPPLEMENTARY INFORMATION:** Individuals may nominate themselves or others. Nominees must be residents of Colorado. BLM will evaluate nominees based on their education, training, experience, and their knowledge of the geographical area of

the RAC. Nominees should demonstrate a commitment to collaborative resource decision making.

The following must accompany nominations:

- Letters of reference from represented interest or organizations.
- A completed background information nomination form, (contact Ken Smith at 719-269-8553 to obtain a nomination form).
- Any other information that highlights the nominees qualifications.

The BLM Colorado State Office and Cañon City Field Office will issue press releases providing additional information for submitting nominations with specifics about the category and member position available in the State. These press releases will be available on September 21, 2004.

The Federal Policy and Management Act (FLPMA) (43 U.S.C. 1730) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by BLM. Section 309 of FLPMA directs the Secretary to select 10 to 15 member citizen-based advisory councils, which are consistent with the requirements of the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The BLM regulations governing RACs are found at 43 CFR part 1784. These regulations describe three general representative categories:

*Category One*—Holders of Federal grazing permits and representatives of energy and mineral development, timber industry, transportation or rights-of-way, off-highway vehicle use, and commercial recreation;

*Category Two*—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic interests, dispersed recreation, and wild horse and burro groups;

*Category Three*—Holders of State, county or local elected office, employees of a State agency responsible for management of natural resources, academicians involved in natural sciences, representatives of Indian tribes, and the affected public-at-large.

Dated: August, 25, 2004.

**Ron Wenker,**

*Colorado State Director, Bureau of Land Management.*

[FR Doc. 04-21128 Filed 9-20-04; 8:45 am]

**BILLING CODE 4310-JB-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM010-1430-ER]

#### Reverse Emergency Closure Within the Ojito Special Management Area in Sandoval County, NM

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that effective September 21, 2004, an area previously closed (60 FR, June 29, 1995) to mechanical vehicles is open. Mountain bikes (mechanical vehicles) are a recognized legal conveyance on approximately (5) sections of public land southwest of San Ysidro, New Mexico.

The area is located within sections 17, 20, 21, 28, & 29, T. 15 N., R. 1 E., New Mexico Principal Meridian.

The purpose of the 1995 closure was to prevent unnecessary degradation of resources and undue environmental damage. The notice stated that until further notice the area would remain closed to mechanical use. It has been determined mountain bikes are not a threat to the resources or the environment.

The reversal of the emergency closure is in accordance with the provisions of 43 CFR 8364.1. This order remains in effect until further notice.

**FOR FURTHER INFORMATION CONTACT:**

Donna Dudley, Outdoor Recreation Planner at the Bureau of Land Management, Albuquerque Field Office, 435 Montano NE., Albuquerque, New Mexico 87107, (505) 761-8700.

**SUPPLEMENTARY INFORMATION:** Copies of this closure order and maps showing the location of the affected area are available at the Albuquerque Field Office, during normal business hours, Monday through Friday, 7:45 a.m. to 4:30 p.m.

Dated: June 29, 2004.

**John E. Bristol,**

*Acting Assistant Field Manager.*

[FR Doc. 04-21127 Filed 9-20-04; 8:45 am]

**BILLING CODE 4310-FB-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received