

**Register** notice. The commenter expressed opposition to use of the term "incidental" and further encouraged the Service to protect all animals. We note the concerns raised by this individual; however, we are required under section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA) of 1972, as amended (16 U.S.C. 1361 *et seq.*) to take certain actions with regard to the "incidental taking" of marine mammals. The regulations at 50 CFR 18.27(c) define incidental, but not intentional, taking as, "takings which are infrequent, unavoidable, or accidental. It does not mean that the taking must be unexpected." We have not made any changes to our information collection as a result of the comments received.

Section 101(a)(5)(A) of the MMPA authorizes the Service to allow the incidental, unintentional take of small numbers of marine mammals during a specified activity (other than commercial fishing) in a specified geographic region. Prior to allowing these takes, we must find that the total of such taking will have a negligible impact on the species or stocks and will not have an unmitigable adverse impact on the availability of the species or stocks for subsistence uses by Alaskan Natives.

The information that we propose to collect will be used to evaluate applications for specific incidental take regulations to determine whether or not such regulations and subsequent Letters of Authorization (LOAs) are consistent with the MMPA and should be issued. The information is needed to help establish the scope of specific incidental take regulations. The information is also required to evaluate the impacts of the activities on the species or stocks of the marine mammals and on the availability of the species or stocks for subsistence uses by Alaskan Natives. The information will enable us to ensure that all available means for minimizing the incidental take associated with a specific activity are considered by applicants.

We estimate that the total annual burden associated with the request will be 2,027 hours. This represents an average annual estimated burden taken over a 3-year period, which includes the 200 hours required to complete the request for specific procedural regulations (68 FR 66744). For each LOA expected to be requested and issued subsequent to issuance of specific procedural regulations, we estimate that 28 hours per project will be invested: 8 hours will be required to complete each request for an LOA, 12 hours will be required for onsite monitoring activities, and 8 hours will

be required to complete each final monitoring report. We estimate that 10 companies will be requesting LOAs and submitting monitoring reports annually for each of 7 sites in the region covered by the specific regulations.

*Title:* Incidental Take of Marine Mammals During Specified Activities applications; 50 CFR 18, subpart J.

*OMB Clearance Number:* 1018-0070.

*Form Number:* None.

*Frequency of Collection:* Semiannual.

*Description of Respondents:* Oil and gas industry companies.

*Total Annual Responses:* 141.

*Total Annual Burden Hours:* 2,027.

We again invite comments on this information collection renewal on: (1) Whether or not this collection of information is necessary for us to properly perform our functions, including whether or not this information will have practical utility; (2) the accuracy of our estimate of burden, including the validity of the methodology and assumptions we use; (3) ways to enhance the quality, utility, and clarity of the information we are proposing to collect; and (4) ways for us to minimize the burden of the collection of information on respondents, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home addresses from the record, which we will honor to the extent allowable by law. There may also be limited circumstances in which we would withhold a respondent's identity from the rulemaking record, as allowable by law. If you wish us to withhold your name and/or address, you must state this clearly at the beginning of your comment. We will not consider anonymous comments. We generally make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: September 3, 2004.

**Hope Grey,**

*Information Collection Clearance Officer,  
Fish and Wildlife Service.*

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**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Notice of Intent To Prepare a Comprehensive Conservation Plan and Environmental Assessment and Announcement of a Public Scoping Meeting for Marin Islands National Wildlife Refuge, Marin County, CA**

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of intent and announcement of a public scoping meeting.

**SUMMARY:** The Fish and Wildlife Service (Service) is preparing a Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for Marin Islands National Wildlife Refuge (Refuge). This notice advises the public that the Service intends to gather information necessary to prepare a CCP and EA pursuant to the National Wildlife Refuge System Administration Act of 1966, as amended, and the National Environmental Policy Act (NEPA). The public and other agencies are encouraged to participate in the planning process by sending written comments on courses of action that the Service should consider and potential impacts that could result from CCP implementation on the Marin Islands National Wildlife Refuge. In addition, the public and other agencies are encouraged to attend the public scoping meeting. The Service is also furnishing this notice in compliance with the Service CCP policy to obtain suggestions and information on the scope of issues to include in the EA.

**DATES:** To ensure that the Service has adequate time to evaluate and incorporate suggestions and other input into the planning process, comments should be received on or before November 8, 2004. A public scoping meeting to solicit comments on the contents of the CCP and the vision of the Refuge for the next 15 years will be held on October 19, 2004 from 6:30 p.m. to 8:30 p.m. at the Marin Center in San Rafael, California (address follows).

**ADDRESSES:** Send written comments or requests to be added to the mailing list to the following address: Winnie Chan, Refuge Planner, Marin Islands NWR, San Francisco Bay National Wildlife Refuge Complex, P.O. Box 524, Newark, California 94560. Written comments may also be faxed to (510) 792-5828.

**FOR FURTHER INFORMATION CONTACT:** Christy Smith, Refuge Manager, (707) 562-3000, or Winnie Chan, Refuge Planner, (510) 792-0222.

**SUPPLEMENTARY INFORMATION:** The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, mandates that all lands within the National Wildlife Refuge System are to be managed in accordance with an approved CCP. The CCP will guide management decisions for the next 15 years and identify refuge goals, long-range objectives, and management strategies for achieving these objectives. The planning process will consider many elements, including habitat and wildlife management, habitat protection, recreational use, and environmental effects. Public input into this planning process is very important. The CCP will provide other agencies and the public with a clear understanding of the desired conditions for the Refuge and how the Service will implement management strategies.

Comments received will be used to develop goals, key issues evaluated in the NEPA document, and habitat management strategies. All comments received, including names and addresses will become part of the administrative record and may be made available to the public. Opportunities for public participation will occur throughout the process. The address for the scoping meeting is the Marin Center at 10 Avenue of the Flags, San Rafael, California, 94903. Persons needing reasonable accommodations in order to attend and participate in the public scoping meeting should contact the Refuge Planner at (510) 792-0222 sufficiently in advance of the meeting to allow time to process the request.

The Service will send Planning Updates to people who are interested in the CCP process. These mailings will provide information on how to participate in the CCP process. The CCP is expected to be completed in early 2006. Interested federal, state, and local agencies, Tribes, organizations, and individuals will be contacted for input.

### Background

The Marin Islands National Wildlife Refuge is located off the shoreline of the City of San Rafael, Marin County, in San Pablo Bay. The 339-acre Refuge of tidelands and two islands was established in 1992 “\* \* \* for the development, advancement, management, conservation, and protection of fish and wildlife resources \* \* \*” The Marin Islands are jointly owned by the California Department of Fish and Game, California State Lands Commission, and the Fish and Wildlife Service. The Fish-and-Game-owned lands are designated as a State

Ecological Reserve and the Service-owned lands are designated as a National Wildlife Refuge. The Service provides day-to-day management of the entire Marin Islands NWR and State Ecological Reserve under the National Wildlife Refuge System Administration Act, as amended.

The Refuge supports one of the largest heron and egret colonies in northern California. The primary purpose of the Refuge is “to protect an important existing egret and heron rookery on West Marin Island and to increase colonial nesting bird use on East Marin Islands,” as described in the 1992 Environmental Assessment.

A draft CCP and NEPA document is expected to be available for public review and comment in mid-2005.

### Ken McDermond,

*Acting Manager, CA/NV Operations, Sacramento, California.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CA 670 1232 FH]

### Final Supplementary Rules on Public Land in California

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

**ACTION:** Final supplementary rules for payment of special recreation permit fees immediately upon arrival at the Imperial Sand Dunes Recreation Area.

**SUMMARY:** This notice contains final supplementary rules which will apply to the public lands within the El Centro Resource Field Office, California Desert District, Imperial County, California. The Bureau of Land Management’s (BLM) El Centro Field Office will be enforcing the new supplementary rules. The supplementary rules require the payment of special recreation permit fees immediately upon arrival at the Imperial Sand Dunes Recreation Area. Any primary vehicle while on public lands within the Planning Area Boundary or the recreation area must display a weekly or seasonal permit for the areas identified above. The definition of a primary vehicle is described in the **Federal Register**, Vol. 63, No. 242 on Thursday, December 17, 1998, page 69,647, paragraph 3. It stated “A primary transportation vehicle is a street legal vehicle used for transportation to the site.” The rules are to enhance the Imperial Sand Dunes Recreation Fee Program and provide

revenue for resource protection, and for public health and safety.

**EFFECTIVE DATE:** The final rules are effective on September 22, 2004.

**ADDRESSES:** *Mail:* Bureau of Land Management, El Centro Field Office, 1661 S. 4th St., El Centro, CA 92243.

*Personal or messenger delivery:* Bureau of Land Management, El Centro Field Office, 1661 S. 4th St., El Centro, CA 92243.

*Internet e-mail:* Neil\_Hamada@ca.blm.gov.

**FOR FURTHER INFORMATION CONTACT:** Neil Hamada, Dunes Manager, Imperial Sand Dunes Recreation Area, Bureau of Land Management, El Centro Field Office, 1661 S. 4th St., El Centro, CA 92243, (760) 337-4451.

### SUPPLEMENTARY INFORMATION:

#### I. Comments

The proposed supplementary rule was published on November 20, 2003 [68 FR 65471] informing the public that comments on the rule were due on December 22, 2003. The BLM received nine letters. Some of these letters contained comments on several issues. The following is a summary of the comments:

- Six comments were beyond the scope of this proposed rule.
- Four comments stated that purchasing the passes was inconvenient.
- BLM Response—BLM has established off site sale for visitor convenience.
- One comment stated that first time visitors will not know where to purchase passes.
- BLM Response—Signs are located along all the major entry points.
- Three comments opposed the rule.
- BLM Response—Comment noted.
- One comment stated that the rule will cause traffic congestion.
- BLM Response—The rule’s implementation will not change current traffic patterns or add additional congestion. The BLM will continue to enforce permit compliance in the same manner, through check points and campsite visits. The BLM does not plan to change any activities to alter traffic patterns.
- One comment wanted to keep the current rule.
- BLM Response—The rule is needed to enhance fee compliance to provide revenue for resource protection, and for public health and safety. The current rule allows visitors a 30 minute grace period before purchasing a permit. Due to the high levels of visitation (over one million