

ACTION: Notice.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit (ITP) and Habitat Conservation Plan (HCP). Bruce Barth (Applicant) request an ITP pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Applicant anticipates taking about 0.34 acre of foraging and sheltering habitat occupied by the threatened Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) incidental to lot preparation for the construction of a single-family home and supporting infrastructure in Charlotte County, Florida (Project). The Applicant's HCP describes the mitigation and minimization measures proposed to address the effects of the Project on the Florida scrub-jay.

DATES: We must receive your written comments on the ITP application and HCP on or before February 19, 2008.

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** section below for information on how to submit your comments on the ITP application and HCP. You may obtain a copy of the ITP application and HCP by writing to: South Florida Ecological Services Field Office, Attn: Permit number TE171477-0, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, Florida, 32960-3559. In addition, we will make the ITP application and HCP available for public inspection by appointment during normal business hours at the South Florida Ecological Services Office at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Trish Adams, Fish and Wildlife Biologist, South Florida Ecological Services Office (see **ADDRESSES**), telephone: 772/562-3909, ext. 232.

SUPPLEMENTARY INFORMATION: If you wish to comment on the ITP application and HCP, you may submit comments by any one of several methods. Please reference permit number TE171477-0 in such comments. You may mail comments to the Service's South Florida Ecological Services Office (see **ADDRESSES**). You may also e-mail your comments to trish_adams@fws.gov. If you do not receive a confirmation from us that we have received your e-mail message, contact us directly at the telephone number listed under **FOR FURTHER INFORMATION CONTACT**. Finally, you may hand deliver comments to the South Florida Ecological Service Office (see **ADDRESSES**).

Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that

your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Residential construction for the Barth HCP will take place within section 11, Township 41, Range 20, Englewood, Charlotte County, Florida, at 7185 Rosemont Drive. This lot is within scrub-jay occupied habitat.

The lot encompasses about 0.34 acre, and the footprint of the home, infrastructure, and landscaping precludes retention of scrub-jay habitat on this lot. In order to minimize take onsite the Applicant proposes to mitigate for the loss of 0.34 acre of scrub-jay habitat by contributing a total of \$70,722.72 to the Florida Scrub-jay Conservation Fund administered by The Nature Conservancy or acquire 0.68 acre of credit in a Service approved conservation bank. The Conservation Fund is earmarked for use in the conservation and recovery of scrub-jays and may include habitat acquisition, restoration, and/or management.

The Service has determined that the Applicant's proposal, including the proposed mitigation and minimization measures, will have a minor or negligible effect on the species covered in the HCP. Therefore, the ITP is a "low-effect" project and qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). This preliminary information may be revised based on our review of public comments that we receive in response to this notice. Low-effect HCPs are those involving (1) minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If it is determined that those requirements are met, the ITP will be issued for the incidental take of the Florida scrub-jay. The Service will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of this consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Authority: This notice is provided pursuant to section 10 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: December 18, 2007.

Paul Souza,

Field Supervisor, South Florida Ecological Services Office.

[FR Doc. E8-825 Filed 1-17-08; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[WY-920-1320-EL, WYW155132]

Notice of Competitive Coal Lease Sale, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Competitive Coal Lease Sale.

SUMMARY: Notice is hereby given that certain coal resources in the Eagle Butte West Coal Tract described below in Campbell County, WY, will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*).

DATES: The lease sale will be held at 10 a.m., on Wednesday, February 20, 2008. Sealed bids must be submitted on or before 4 p.m., on Tuesday, February 19, 2008.

ADDRESSES: The lease sale will be held in the First Floor Conference Room (Room 107C), of the Bureau of Land Management (BLM) Wyoming State Office, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, WY 82003. Sealed bids must be submitted to the Cashier, BLM Wyoming State Office, at the address given above.

FOR FURTHER INFORMATION CONTACT: Julie Weaver, Land Law Examiner, or Robert Janssen, Coal Coordinator, at 307-775-6260, and 307-775-6206, respectively.

SUPPLEMENTARY INFORMATION: This coal lease sale is being held in response to a lease by application (LBA) filed by RAG Coal West, Inc. RAG finalized the sale of the Eagle Butte Mine to Foundation Coal West, Inc., a directly held subsidiary of Foundation Coal Holdings, Inc. in August 2004. The coal resource to be offered consists of all reserves recoverable by surface mining methods in the following-described land located in northern Campbell County, approximately 4 miles north of Gillette and is crossed by U.S. Highway 14/16 along its eastern edge.

T. 51 N., R. 72 W., 6th P.M., Wyoming, Section 19: Lots 13, 14, 19, and 20;

Section 20: Lots 10 (NW $\frac{1}{4}$ and S $\frac{1}{2}$) and 11 through 15;
 Section 29: Lots 1 (W $\frac{1}{2}$), 2 through 7, 8 (W $\frac{1}{2}$ and SE $\frac{1}{4}$), and 9 through 16;
 Section 30: Lots 5, 6, 11 through 14, 19, and 20.

Containing 1,427.77 acres more or less.

The tract is adjacent to an existing Federal coal lease along the western boundary of the Eagle Butte Mine. It is adjacent to additional unleased Federal coal to the north, west, and south. All of the acreage offered has been determined to be suitable for mining since current plans include moving U.S. Highway 14/16. However, BLM has excluded approximately 80 acres along the northeastern portion of the tract from its economic analysis to provide a blasting buffer between the mining activity and existing residences. Other features such as pipelines, utilities, and Little Rawhide Creek can be relocated to permit coal recovery. In addition, oil and/or gas wells have been drilled on the tract. The estimate of the bonus value of the coal lease will include consideration of depletion and any future production from these wells. An economic analysis of any future income stream will determine whether a well is bought out and plugged prior to mining or re-established after mining is completed. The surface estate of the tract is owned by Foundation Coal West, Inc.

The tract contains surface mineable coal reserves primarily in the Wyodak seam with minor additions from up to four lower splits. The Wyodak is generally mined as two separate seams, the Roland and the Smith, in the area and on the LBA. The total coal thickness ranges from about 95–115 feet thick with the overburden thickness ranging from about 250–450 feet thick on the LBA. The tract contains approximately 255 million tons of mineable coal. This estimate of mineable reserves is primarily from the Roland and the Smith seams and does not include any tonnage from localized seams or splits containing less than 5 feet of coal. It does not include any tonnage from the existing, adjacent Federal coal lease although additional reserves are expected to be recovered in conjunction with the LBA once the highway is moved. The total mineable stripping ratio (BCY/Ton) of the LBA coal is about 2.9:1. Potential bidders for the LBA should consider the recovery rate expected from multiple seam mining.

The Eagle Butte West LBA coal is ranked as subbituminous C. The overall average quality on an as-received basis is 8434 BTU/lb with about 0.4% sulfur. These quality averages place the coal reserves near the lower end of the range

of coal quality currently being mined in the Wyoming portion of the Powder River Basin.

The tract will be leased to the qualified bidder of the highest cash amount provided that the high bid meets or exceeds the BLM's estimate of the fair market value of the tract. The minimum bid for the tract is \$100 per acre or fraction thereof. No bid that is less than \$100 per acre, or fraction thereof, will be considered. The bids should be sent by certified mail, return receipt requested, or be hand delivered. The Cashier will issue a receipt for each hand-delivered bid. Bids received after 4 p.m., on Tuesday, February 19, 2008, will not be considered. The minimum bid is not intended to represent fair market value. The fair market value of the tract will be determined by the Authorized Officer after the sale. The lease issued as a result of this offering will provide for payment of an annual rental of \$3.00 per acre, or fraction thereof, and of a royalty payment to the United States of 12.5 percent of the value of coal produced by strip or auger mining methods and 8 percent of the value of the coal produced by underground mining methods. The value of the coal will be determined in accordance with 30 CFR 206.250.

Bidding instructions for the tract offered and the terms and conditions of the proposed coal lease are available from the BLM Wyoming State Office at the addresses above. Case file documents, WYW155132, are available for inspection at the BLM Wyoming State Office.

Dated: January 11, 2008.

Larry Claypool,

Acting Deputy State Director, Minerals and Lands.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Deemed Approved Amended Tribal—State Class III Gaming Compact.

SUMMARY: This notice publishes the Deemed Approved Amendment to the Tribal—State Compact between the State of California and the San Manuel Band of Mission Indians.

DATES: *Effective Date:* January 18, 2008.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of

Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA) Public Law 100-497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal—State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The compact allows for an increase in gaming devices and any devices or games authorized under State law to the State lottery. Finally, the term of the compact is until December 31, 2030. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, is publishing notice that the Amendment between the State of California and the San Manuel Band of Mission Indians is now in effect.

Dated: December 31, 2007.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

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BILLING CODE 4310-4N-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-100-1430-EU; MTM 95676]

Notice of Realty Action; (Non-Competitive) Direct Sale of Public Land; Granite County, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: A 1.08-acre parcel of public land in Granite County, Montana, is being considered for sale under the provisions of the Federal Land Policy Management Act of 1976 (FLPMA), at no less than the appraised fair market value, to resolve a longstanding, inadvertent unauthorized use.

DATES: Interested parties may submit comments regarding the proposed sale until March 3, 2008.

ADDRESSES: Send written comments to the Missoula Field Manager, BLM, Missoula Field Office, 3255 Ft. Missoula Road, Missoula, Montana 59804-7293.

FOR FURTHER INFORMATION CONTACT: Jim Ledger, Realty Specialist, at the above address or phone (406) 329-3914.

SUPPLEMENTARY INFORMATION: The following described public land is being considered for possible disposal by direct sale under Sections 203 and 209 of FLPMA, 43 U.S.C. 1713 and 1719.