

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 reseeding 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 $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ .

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 locator 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.

**Mount Diablo Meridian, Nevada**

Sec. 11, N<sup>1/2</sup>NW<sup>1/4</sup>SW<sup>1/4</sup>SW<sup>1/4</sup>, SW<sup>1/4</sup>NW<sup>1/4</sup>SW<sup>1/4</sup>SW<sup>1/4</sup>, SW<sup>1/4</sup>SW<sup>1/4</sup>SW<sup>1/4</sup>, T. 22 S., R. 61 E., M.D.M.

Containing 17.5 acres, more or less, located at Windmill Road and Maryland Parkway.

The land is not required for any Federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and is in the public interest. The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe and will be subject to:

1. Easements in accordance with the Clark County Transportation Plan.

2. Those rights for roadway purposes which have been granted to Clark County by Permit N-42999 under the Act of October 21, 1976 (43 U.S.C. 1761).

3. Those rights for roadway purposes which have been granted to Clark County by Permit No. N-57458 under the Act of October 21, 1976 (43 U.S.C. 1761).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada. Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws, and disposal under the mineral material disposal laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Las Vegas Field Manager, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130-2301.

**Classification Comments**

Interested parties may submit comments involving the suitability of

the land for a Cooperative Extension Office. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

**Application Comments**

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a Cooperative Extension Office. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: November 13, 2003.

**Sharon DiPinto,**

*Acting Assistant Field Manager, Division of Lands, Las Vegas, NV.*

[FR Doc. 04-622 Filed 1-12-04; 8:45 am]

**BILLING CODE 4310-HC-P**

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

**[NM-080-1430-EU; Serial No. NMNM-108401]**

**Noncompetitive Sale of Public Lands in Eddy County**

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

**ACTION:** Notice of realty action.

**SUMMARY:** The following land has been found suitable for direct sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) and the regulations at 43 CFR 2710.0-3(a)(3).

T. 21 S., R. 23 E., NMMPM  
Sec. 7: E<sup>1/2</sup>SE<sup>1/4</sup>NE<sup>1/4</sup>SW<sup>1/4</sup>.

Containing approximately 5 acres.

**FOR FURTHER INFORMATION CONTACT:**  
Mary Jo Rugwell at (505) 234-5907.

**SUPPLEMENTARY INFORMATION:** The land is hereby segregated from appropriation under the public land laws, including

the mining laws. This segregative effect shall terminate upon issuance of patent or other document of conveyance for these lands, upon publication in the **Federal Register** of a termination of the segregation, or 270 days from date of publication, whichever occurs first.

In accordance with section 7 of the Taylor Grazing Act, 43 U.S.C. 315f, and Executive Order No. 6910, the described land is hereby classified for disposal by sale.

The disposal of this land is in conformance with the Carlsbad Resource Management Plan and meets the criteria contained in 43 CFR 2711.3-3(a)(5) because it is unmanageable as a part of the other BLM lands in that area. The subject land is not required for any other Federal purpose.

The land is to be offered for direct sale to Joe and Janet Cox to resolve the inadvertent unauthorized use of public land for their residence. This unauthorized use occurred many years ago prior to their ownership of the adjacent private property. The land will be offered at \$2000, the appraised fair market value determined by an approved BLM appraisal.

The appraisal report for this disposal action can be reviewed at the address provided below. The patent, when issued, will reserve all minerals to the United States and will be subject to valid existing rights. Detailed information concerning the mineral reservation, as well as specific conditions of the sale, are available for review at the Carlsbad Field Office, Bureau of Land Management, 620 East Greene Street, Carlsbad, New Mexico 88220. For a period of 45 days from January 13, 2004, interested parties may submit comments to Russell Sorensen, Lead Realty Specialist, 620 East Greene Street, Carlsbad, NM 88220. Any adverse comments will be evaluated by the Field Manager, who may vacate or modify this realty action and issue a final determination. In the absence of objections, this realty action will become the final determination of the Department of the Interior.

**Mary Jo Rugwell,**

*Assistant Field Manager for Lands and Minerals.*

[FR Doc. 04-693 Filed 1-12-04; 8:45 am]

**BILLING CODE 4310-FB-P**