

agency, the Service is providing notice of the availability of the draft EIS/EIR, which evaluates the impacts of proposed issuance of the permit and implementation of the Plan, and as well as a reasonable range of alternatives.

The draft EIS/EIR analyzes three alternatives in addition to the proposed Plan, described above. The proposed Plan is considered Conservation Strategy A (Alternative 1). The three alternatives are described below.

The Conservation Strategy B Alternative (Alternative 2) would provide for the same size planning area, located entirely in eastern Contra Costa County, with the same preserve size as the proposed Plan, except that the location of the preserve would be modified. Modification of the preserve locations would result in increased protection of chaparral and cultivated agriculture and decreased protection of grassland. Conservation Strategy B would also involve less riparian restoration than the proposed Plan. Other elements of the proposed Plan would remain the same under Conservation Strategy B, including species and communities covered, conservation measures, monitoring and adaptive management, and implementation approach.

Compared to the Proposed Plan, the Reduced Development Area Alternative (Alternative 3) would provide for a reduced level of take due to a reduced permit area. Existing open space or agricultural lands within the ULL that are not currently designated for development would be conserved. Under this alternative, the permit area would be 9,330 acres. Other elements of the proposed Plan would remain the same under the Reduced Development Area Alternative, including species and communities covered, conservation measures, monitoring and adaptive management, and implementation approach.

Under the No-Action/No-Project alternative (Alternative 4), the proposed Plan would not be adopted, and permits pursuant to Section 10(a)(1)(B) of the Act and Section 2835 of the NCCPA would not be issued by the Service and California Department of Fish and Game, respectively. Compliance with the Federal and California ESAs would continue to be addressed on a case-by-case basis.

Public Comments

The Service and Association invite the public to comment on the draft Plan, draft EIS/EIR, and draft Implementing Agreement during a 90-day public comment period beginning on the date of this notice. The comment period is

opened for 90 days to eliminate the need for an extension subsequent to the close of the comment period. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

The Service will evaluate the application, associated documents, and comments submitted to them to prepare a final EIS/EIR. A permit decision will be made no sooner than 30 days after the publication of the final EIS/EIR and completion of the Record of Decision.

This notice is provided pursuant to section 10(a) of the Federal ESA and Service regulations for implementing NEPA, as amended (40 CFR 1506.6). We provide this notice in order to allow the public, agencies, or other organizations to review and comment on these documents.

Dated: August 17, 2005.

Ken McDermond,

Deputy Manager, California/Nevada Operations Office, Sacramento, CA.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-030-1320-EL, NDM91535]

Notice of Availability of Coal Lease Final Environmental Impact Statement, North Dakota

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability (NOA) of a Final Environmental Impact Statement (FEIS) on a Coal lease application received for Federal coal tracts in the West Mine Area, Freedom Mine, Mercer County, North Dakota; NDM91535.

SUMMARY: Under the National Environmental Policy Act (NEPA); provisions in the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*); implementing regulations and other applicable statutes the Bureau of Land Management (BLM) announces the availability of the Federal coal leasing FEIS.

The FEIS analyzes the impacts of issuing a Federal coal lease within the West Mine Area of the Freedom Mine, located in Mercer County, North Dakota, and includes 5571 acres of Federal coal.

DATES: Written comments on the FEIS will be accepted for 30 days following the date that the Environmental Protection Agency (EPA) publishes their NOA of the FEIS in the **Federal Register**. The BLM will notify all parties

on the EIS mailing list of the dates when comments will be accepted.

ADDRESSES: Please address questions, comments, or concerns to the North Dakota Field Office, Bureau of Land Management, Attn: Allen J. Ollila, 2933 Third Avenue West, Dickinson, North Dakota 58601-2619, fax them to (701) 227-8510, or send e-mail comments to the attention of Allen J. Ollila at mtndfo@blm.gov. Copies of the FEIS are available for public inspection at local public libraries and at the following BLM office locations: External Affairs Office, Montana State Office, 5001 Southgate Drive, Billings, MT 59107; North Dakota Field Office, 2933 Third Avenue West, Dickinson, ND 58601-2619.

FOR FURTHER INFORMATION CONTACT: Allen J. Ollila or Lonny R. Bagley at the above address or telephone: (701) 227-7700.

SUPPLEMENTARY INFORMATION: On January 16, 2002, Coteau filed an application with BLM to lease Federal coal deposits beneath private surface at the following locations:

NDM91535

T. 144 N., R. 88 W., 5th P.M.

Sec. 2: Lots 3, 4, S¹/₂NW¹/₄

Sec. 4: Lots 1, 2, S¹/₂NE¹/₄, S¹/₂

Sec. 6: All

Sec. 8: N¹/₂NE¹/₄, SE¹/₄NE¹/₄, NW¹/₄, N¹/₂SW¹/₄

T. 144 N., R. 89 W., 5th P.M.

Sec. 12: E¹/₂

T. 145 N., R. 88 W., 5th P.M.

Sec. 4: Lots 1, 2, 3, 4, S¹/₂N¹/₂, SE¹/₄, S¹/₂SW¹/₄

Sec. 10: N¹/₂

Sec. 14: All

Sec. 22: All

Sec. 26: N¹/₂NE¹/₄, SW¹/₄NE¹/₄, NW¹/₄SE¹/₄, W¹/₂

Sec. 28: E¹/₂NE¹/₄, SW¹/₄NE¹/₄, SE¹/₄NW¹/₄, S¹/₂

Sec. 34: N¹/₂N¹/₂, SE¹/₄NE¹/₄, E¹/₂SE¹/₄, SW¹/₄SE¹/₄, SW¹/₄

Containing 5,571 acres (more or less), Mercer County, North Dakota.

The Federal coal tract being considered for leasing is in the West Mine Area of the Freedom Mine, located north and west of Beulah, North Dakota. The operator (Coteau Properties Company) of this mine applied to lease the tract as a maintenance tract, to extend the life of their existing mining operation under the provisions of the Leasing By Application regulations at 43 CFR 3425.

Private & State coal reserves within the West Mine Area currently have an approval to mine, and a reclamation plan from the Public Service Commission, State of North Dakota. Coteau Properties Company also has an approved air quality permit for

operations at the Freedom Mine. The Draft Environmental Impact Statement (DEIS) was available for public review from April 30, 2004, to June 29, 2004. The EPA and the BLM each published a Notice of Availability in the **Federal Register** on April 30 and May 7, 2004, respectively. A formal public hearing on this application was held pursuant to 43 CFR 3425.4 on Wednesday June 23, 2004, at the Heritage Center, Bismarck, North Dakota. The purpose of the hearing was to solicit public comments on the DEIS, the fair market value, the maximum economic recovery, and the proposed competitive sale of coal included in the proposed tract. Three public meetings were also held on Tuesday June 1, 2004, at 4 Bears Casino & Lodge, New Town, North Dakota; on Wednesday June 2, 2004, at the Civic Center, Beulah, North Dakota; and on Thursday June 3, 2004, at Prairie Knights Casino & Lodge, Fort Yates, North Dakota. The purpose of the meetings was to present the DEIS to the public and to solicit comments regarding the DEIS. The 60-day comment period on the DEIS ended on June 29, 2004. All comments were considered during the preparation of the final EIS.

The draft and final EIS analyze leasing the tract as applied for. To avoid bypassing coal or to increase competitive interest in the unleased Federal coal in this area, BLM identified and evaluated other tract configurations. The tract configuration that BLM has identified as the preferred configuration is described and analyzed as alternative C in the EIS. The EIS also analyzes the alternative of rejecting the application to lease Federal coals (the No Action Alternative).

To protect cultural values a small portion of Federal coal was bypassed. This preferred alternative was selected in consultation with American Indian Tribes. The Proposed Actions and Alternatives that are considered in the EIS are in conformance with the "Approved Resource Management Plan for Public Lands Administered by the Bureau of Land Management North Dakota Field Office" (1987).

The Office of Surface Mining Reclamation and Enforcement (OSM) is a cooperating agency in the preparation of this EIS. If the tract is leased as a maintenance tract, the new lease must be incorporated into the existing mining and reclamation plan for the Freedom Mine and the Secretary of the Interior must approve each revision to the MLA (Mineral Leasing Act) mining plan for the mine before the Federal coal can be mined. OSM is the Federal agency that would be responsible for recommending

approval, approval with conditions, or disapproval of the revised MLA mining plan to the office of the Secretary of the Interior if these tracts are leased.

A Record of Decision (ROD) will be prepared for the LBA tract being considered for leasing. Comments received on the FEIS will be considered during preparation of the ROD. Comments, including names and street addresses of respondents, will be available for public review at the Bureau of Land Management, North Dakota Field Office, 2933 Third Avenue West, Dickinson, North Dakota, during regular business hours (8 a.m. to 4:30 p.m.), Monday through Friday, except holidays.

[Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.]

Karen A. Wolf,

Acting Field Manager.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ 422-1610-DO-090A-241E]

Notice of Intent To Prepare the San Pedro Riparian National Conservation Area and Tucson Resource Management Plan and Environmental Impact Statement

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of intent.

SUMMARY: The Bureau of Land Management (BLM) Field Office, Tucson, Arizona intends to prepare a Resource Management Plan and Environmental Impact Statement (RMP/EIS) for the San Pedro Riparian National Conservation Area and Tucson planning effort. When approved, the RMP will replace those portions of the existing Phoenix Resource Management Plan (1989) and Safford District Resource Management Plan (1992, 1994) within the Tucson Field Office administrative boundary.

DATES: The scoping period commences with the publication of this notice and will continue for at least 60 days. Public meetings will be held approximately late 2005 to early 2006. All public meetings will be announced through the local media, newsletters, and the BLM Web site (<http://www.az.blm.gov>) at least 15 days prior to the first meeting (the Web site availability is subject to change). Public notice will be provided specifying the date, time, and location that the meetings will occur and include notification of when the scoping period will close and when comments are due. Formal opportunities for public participation will be provided upon publication of the Draft RMP/EIS.

ADDRESSES: Comments may be submitted by any of the following methods:

- Web Site: <http://www.az.blm.gov> (subject to change).
- E-mail: AZ_TucsonRMP@blm.gov.
- Fax: (520) 258-7238.
- Mail: Tucson Field Office, 12661 East Broadway, Tucson, Arizona 85748-7208.

Documents pertinent to this proposal may be examined at the Tucson Field Office upon request. Public comments, including names and street addresses of respondents, will be available for public review at Bureau of Land Management, 12661 East Broadway, Tucson, Arizona 85748 during regular business hours (7:30 a.m. to 4 p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT:

Linda Marianito, Planning and Environmental Coordinator, (520) 258-7241, or e-mail Linda_Marianito@blm.gov.

SUPPLEMENTARY INFORMATION: This document provides notice that the BLM Field Office, Tucson, Arizona intends to prepare a Resource Management Plan and Environmental Impact Statement (RMP/EIS) for the San Pedro Riparian National Conservation Area and Tucson planning effort.

The two planning areas, the San Pedro RNCA and the Tucson Field