

**FURTHER INFORMATION CONTACT**) or by letter (see **ADDRESSES**). Copies of the subject documents also are available for public inspection during regular business hours at the Western Washington Fish and Wildlife Office (see **ADDRESSES**) and the Western Washington Fish & Wildlife Service internet site: <http://www.fws.gov/westwafwo/consplan/docs.html>.

### Background

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and Federal regulations prohibit the "take" of a fish or wildlife species listed as endangered or threatened. Take of federally listed fish and wildlife is defined under section 3 of the Act as including to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in such conduct" (16 U.S.C. 1538). We may, under limited circumstances, issue permits to authorize "incidental take" of listed species. "Incidental take" is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for threatened species and endangered species, respectively, are at 50 CFR 17.32 and 50 CFR 17.22. The applicant is seeking a permit for the incidental take of species that are listed as either threatened or endangered under the Act, and certain species should they become listed during the 50-year term of the permit. The species under consideration for coverage include bald eagle (*Haliaeetus leucocephalus*), California brown pelican (*Pelecanus occidentalis*), marbled murrelet (*Brachyramphus marmoratus*), tufted puffin (*Fratrercula cirrhata*), bull trout (*Salvelinus confluentus*), and coastal cutthroat trout (*O. clarki clarki*).

Proposed covered activities under the HCP include the subtidal harvest of wild stock geoduck clams (*Panopea abrupta*) on State-owned aquatic lands for commercial, research and health sampling purposes.

The majority of subtidal lands in the State, and the resources embedded in them, are owned by Washington State and managed by the WDNR. The geoduck clam is among the most commercially valuable of these resources.

The wild geoduck fishery in the state is jointly managed by WDNR, Washington Department of Fish and Wildlife (WDFW), and the Puget Sound Treaty Indian Tribes (tribes). The State and the tribes each have a right to 50 percent of the allowable geoduck catch. The State and the tribes are jointly responsible for estimating geoduck population size, determining

sustainable yield, and protecting the health of the geoduck stock and the habitat they depend upon. WDNR offers the State's half of the geoduck harvest at auctions for the right of private companies and individuals to harvest specific quantities of geoducks in specific areas. As the State's managers of the geoduck resource, WDNR and WDFW enforce civil and criminal Washington State laws, regulations and contract conditions that apply to the State's fishery.

Washington's commercial geoduck fishery is divided into six geoduck management regions. Commercial harvest occurs within one management region at a time, and usually on one tract at a time. There are currently 400 commercial geoduck tracts comprising approximately 30,000 acres of subtidal bedlands. Ten to 14 harvest quotas are offered at each WDNR geoduck harvest auction, resulting in 30 to 40 individual harvest agreements annually. Typically, one or two tracts are open for harvest at any given time. The tract boundaries are defined by a water depth of -18 feet mean lower low water (MLLW) to the outer edge of the harvest area (depth of -70 feet MLLW). Most of the subtidal tracts range in size from 18 acres to 459 acres. A small number of tracts are larger. Harvest limits are based on the annual harvest level (Total Allowable Catch (TAC)). The TAC for a management region is the total weight of geoduck that may be harvested during the year in each management region. The number is calculated annually and is the product of the regional commercial biomass estimate multiplied by the equilibrium harvest rate.

The proposed minimization and mitigation measures include, but are not limited to: Limiting the number of acres open to harvest in each management region per year; permitting harvest only from tracts designated through contract by WDNR; clearly marking tracts with easily identifiable stakes and/or buoys, and recording latitude and longitude positions on all markers; limiting surface noise levels; applying harvest boundaries and buffers to protect eelgrass beds, forage fish spawning areas and other sensitive nearshore habitats and providing direct oversight of the fishery by maintaining compliance staff aboard vessels on harvest tracts each day that commercial geoduck harvest occurs.

Approval of the HCP may qualify for a categorical exclusion under NEPA, as provided by the Departmental Manual (516 DM2 Appendix 1 and 516 DM 6 Appendix 1), and as a "low-effect" plan as defined by the Habitat Conservation Planning Handbook (Service, November

1996). We determine whether an HCP is low effect based upon whether the HCP has minor or negligible effects on federally listed, proposed, or candidate species and their habitats; minor or negligible effects on other environmental values or resources; and impacts that together with the impacts of other past, present, and reasonably foreseeable similarly situated projects would, not result, over time, in cumulative effects to the environmental values or resources which would be considered significant. If we find the HCP to qualify as a low-effect HCP, further NEPA documentation would not be required.

### Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, 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. If we determine that the requirements are met, we will issue an incidental take permit under section 10(a)(1)(B) of the Act to the applicant for take of the proposed covered species, incidental to otherwise lawful activities in accordance with the terms of the permit. We will not make our final decision until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

We provide this notice under section 10(c) of the Act and NEPA implementing regulations (40 CFR 1506.6).

Dated: September 7, 2007.

### Ken S. Berg,

Manager, Western Washington Fish and Wildlife Office, U.S. Fish and Wildlife Service, Lacey, Washington.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 2007 Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) Contest

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service) announce the

dates and location of the 2007 Federal Duck Stamp contest, and the species eligible to be subjects for this year's designs. We invite the public to enter and to attend. The 2007 contest will select the image that will grace the 75th Federal Migratory Bird Hunting and Conservation Stamp.

**DATES:** The public may first view the 2007 Federal Duck Stamp Contest entries on Tuesday, September 25, 2007 from 10 a.m. to 4 p.m.

1. Judging will be held on Friday, October 12, 2007 beginning at 1 p.m. and on Saturday, October 13, 2007 beginning at 9 a.m., at the Sanibel, FL location.

**ADDRESSES:** Requests for complete copies of the contest rules, reproduction rights agreement, and display and participation agreement by calling 1-703-358-2000, or by writing to: Federal Duck Stamp Contest, U.S. Fish and Wildlife Service, Department of the Interior, 4401 North Fairfax Drive, Mail Stop MBSP-4070, Arlington, VA 22203-1622. You may also download the information from the Federal Duck Stamp Web site at <http://duckstamps.fws.gov>.

The contest will be held in Sanibel, Florida at the Big Arts Center, 900 Dunlop Road, Sanibel, FL 33957. Phone (239)395-0900.

**FOR FURTHER INFORMATION CONTACT:** Laurie Shaffer, Federal Duck Stamp Office, (703) 358-2002, or by e-mail [Laurie\\_Shaffer@fws.gov](mailto:Laurie_Shaffer@fws.gov) or fax at (703) 358-2009.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On March 16, 1934, Congress passed and President Franklin Roosevelt signed the Migratory Bird Hunting Stamp Act. Popularly known as the Duck Stamp Act, it required all waterfowl hunters 16 years or older to buy a stamp annually. The revenue generated was originally earmarked for the Department of Agriculture, but 5 years later was transferred to the Department of the Interior and the U.S. Fish and Wildlife Service to buy or lease waterfowl sanctuaries. Regulations governing the contest appear at 50 CFR part 91.

In the years since its enactment, the Federal Duck Stamp Program has become one of the most popular and successful conservation programs ever initiated. Today, some 1.8 million stamps are sold each year, and as of 2005, Federal Duck Stamps have generated more than \$700 million for the preservation of more than 5.2 million acres of waterfowl habitat in the United States. Numerous other birds, mammals, fish, reptiles, and amphibians

have similarly prospered because of habitat protection made possible by the program. An estimated one-third of the Nation's endangered and threatened species find food or shelter in refuges preserved by Duck Stamp funds. Moreover, the protected wetlands help dissipate storms, purify water supplies, store flood water, and nourish fish hatchlings important for sport and commercial fishermen.

#### **The Contest**

The first Federal Duck Stamp was designed at President Franklin Roosevelt's request by Jay N. "Ding" Darling, a nationally known political cartoonist for the *Des Moines Register* and a noted hunter and wildlife conservationist. In subsequent years, noted wildlife artists were asked to submit designs. The first contest was opened in 1949 to any U.S. artist who wished to enter, and 65 artists submitted a total of 88 design entries in the only art competition of its kind sponsored by the U.S. Government. To select each year's design, a panel of noted art, waterfowl, and philatelic authorities are appointed by the Secretary of the Interior. Winners receive no compensation for the work, except a pane of their stamps, but winners may sell prints of their designs, which are sought by hunters, conservationists, and art collectors.

The public may view the 2007 Federal Duck Stamp entries on Tuesday, September 25, 2007 and through the days of judging. This year's judging will be held on Friday, October 12 and Saturday, October 13, 2007.

#### **Eligible Species**

The following species are eligible for the 2007 contest: Mallard, American Green-winged Teal, Northern Pintail, Canvasback and Harlequin Duck. Entries featuring a species other than the above listed species will be disqualified.

Dated: September 5, 2007.

#### **H. Dale Hall,**

*Director.*

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### **DEPARTMENT OF THE INTERIOR**

#### **Bureau of Land Management**

[WY-920-1320-EL, WYW154432]

#### **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 North Maysdorf Coal Tract described below in Campbell County, Wyoming, 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 Thursday, October 18, 2007. Sealed bids must be submitted on or before 4 p.m., on Wednesday, October 17, 2007.

**ADDRESSES:** The lease sale will be held in the First Floor Conference Room (Room 107), 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:** Mavis Love, Land Law Examiner, or Robert Janssen, Coal Coordinator, at 307-775-6258, and 307-775-6206, respectively.

**SUPPLEMENTARY INFORMATION:** This coal lease sale is being held in response to a lease by application (LBA) filed by Cordero Mining Company, Gillette, Wyoming. The coal resource to be offered consists of all reserves recoverable by surface mining methods in the following-described lands located in central Campbell County, approximately 2 miles east of State Highway 59, 4 miles south of Bishop Road, and is adjacent to the southern lease boundary of the Belle Ayr Mine and the northwest lease boundary of the Cordero Rojo Mine:

T. 47 N., R. 71 W., 6th P.M., Wyoming,  
Section 7: Lots 5, 12, 13, 20;  
Section 8: Lots 3 through 6, 11 through 13.  
Containing 445.89 acres more or less.

The tract is adjacent to Federal coal leases to the north and east held by the Belle Ayr and Cordero Rojo Mines, respectively. It is adjacent to additional unleased Federal coal to the west and south. It is also adjacent to about 40 acres of private coal controlled by the Cordero Rojo Mine. All of the acreage offered has been determined to be suitable for mining. Features such as pipelines can be moved 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 any future production from these wells. An economic analysis of this future income stream will determine whether a well is bought out and plugged prior to mining