

Management Authority, 4401 N. Fairfax Drive, Room 430, Arlington, Virginia 22203, telephone 703/358-2104 or fax 703/358-2281 and must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents and other information submitted with all of the applications listed in this notice are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice at the above address.

Dated: July 3, 1997.

Karen Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 97-17980 Filed 7-9-97; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Kern County Waste Facilities Habitat Conservation Plan, Kern County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Kern County Waste Management Department (Department) has applied to the Fish and Wildlife Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The application has been assigned permit number PRT-830963. The proposed permit would authorize the incidental take of San Joaquin kit fox (*Vulpes macrotis mutica*), blunt-nosed leopard lizard (*Gambelia silus*), Tipton kangaroo rat (*Dipodomys nitratoideus nitratoideus*), and giant kangaroo rat (*Dipodomys ingens*), federally listed as endangered, and the Desert tortoise (*Gopherus agassizii*) and Hoover's eriastrum (*Eriastrum hooverii*), federally listed as threatened, and/or their habitat during the operation, maintenance, expansion, and/or closure of Kern County municipal solid waste management facilities. The proposed permit also would authorize future incidental take of the San Joaquin

antelope squirrel (*Ammospermophilus nelsoni*), a currently unlisted species, should it become listed under the Endangered Species Act in the future. The permit would be in effect for 50 years.

The Fish and Wildlife Service also announces the availability of an Environmental Assessment for the incidental take permit application. The application includes the proposed Habitat Conservation Plan (Plan) fully describing the proposed project and mitigation, and the accompanying Implementing Agreement. This notice is provided pursuant to section 10(a) of the Endangered Species Act and National Environmental Policy Act regulations (40 CFR 1506.6). Comments are specifically requested on the appropriateness of the No Surprises assurance contained in this application, specifically outlined in section 7 of the Plan. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

DATES: Written comments on the permit application, Environmental Assessment and Implementing Agreement should be received on or before August 11, 1997.

ADDRESSES: Comments regarding the application or adequacy of the environmental assessment and Implementing Agreement should be addressed to the Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 3310 El Camino, Suite 130, Sacramento, California 95821-6340. Please refer to permit number PRT-830963 when submitting comments. Individuals wishing copies of the application, Environmental Assessment or Implementing Agreement for review should immediately contact the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Tiki Baron or Mr. William Lehman, Sacramento Fish and Wildlife Office, telephone (916) 979-2725.

SUPPLEMENTARY INFORMATION: Section 9 of the Endangered Species Act and Federal regulation prohibit the "taking" of a species listed as endangered or threatened, respectively. However, the Fish and Wildlife Service, under limited circumstances, may issue permits to take listed species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32; regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

Background

The Kern County Waste Management Department seeks coverage for take of listed species incidental to landfill operations at all of the solid waste facilities in Kern County, California, not covered by the Metropolitan Bakersfield Habitat Conservation Plan.

Those facilities include 14 landfills and 2 transfer stations, all of which are existing sites permitted by the California Integrated Waste Management Board for waste management activities. Of the 14 landfills, one has been formally closed, two are inactive and awaiting final closure, and 11 are active. Biological surveys indicated that 6 of the 11 active sites contained listed species and/or their habitats; none of the 3 inactive/closed sites contained listed species or suitable habitat. Based on these results the Department concluded that the operation, maintenance, expansion, and eventual closure of 6 of the landfills may result in incidental take of listed species. San Joaquin kit fox, blunt-nosed leopard lizard, Tipton kangaroo rat, San Joaquin antelope squirrel, and Hoover's eriastrum were all found to occur on one or more of the 6 sites. Giant kangaroo rat and desert tortoise were not found on any of the landfill sites, but were each recorded adjacent to a landfill.

On-going operations at 5 of these 6 landfill sites would result in the loss of approximately 251 acres of habitat for the listed species noted above. To compensate for this loss, the Department proposes to fund the permanent protection and management of approximately 755 acres of similar habitat through purchase of credits at the ARCO Coles Levee Ecosystem Preserve or other Service-approved site. The sixth site, the Bakersfield Metropolitan Sanitary Landfill, contains approximately 900 acres of habitat for listed species. This site would be developed in phases of approximately 100 acres, each of which would be restored to habitat for listed species upon closure. To minimize impacts at the Bakersfield Metropolitan Landfill, the Department proposes to have only two phases (one closing while another opens) active at any time. In addition, the Department will enhance and maintain a 963-acre buffer around the landfill as open grazing land, managed to provide habitat for listed species, in perpetuity. The Plan also specifies comprehensive measures designed to minimize impacts to listed species on all of the landfill sites.

The Environmental Assessment considers the environmental consequences of three alternatives.

Alternative 1, the proposed action, consists of the issuance of an incidental take permit to the County of Kern, and implementation of the Plan and its Implementing Agreement. This alternative is preferred because: (1) It satisfies the purpose and needs of the Fish and Wildlife Service and the Kern County Waste Management Department; (2) measures have been incorporated to avoid and minimize incidental take to the greatest extent practicable; and (3) unavoidable impacts are mitigated by the permanent protection of approximately 755 acres of habitat at an approved preserve and the enhancement of approximately 963 acres surrounding the Bakersfield Metropolitan Landfill. Under Alternative 2, the no action alternative, the Service would not issue an incidental take permit. The Department would likely proceed with the continued operation, maintenance, and closure of those eight landfill sites which do not provide habitat for listed species. However, this alternative would not allow the Department to continue operations that would result in take of listed species at the six landfill sites where listed species or their habitats

occur. Under this alternative, the Department also would not enhance the value of the Bakersfield Metropolitan Landfill and its buffer as habitat for the San Joaquin kit fox, nor would it contribute to the permanent protection of listed species habitat through purchase of credits at an approved preserve. Alternative 3 entails closure of one or more of the existing landfill sites and development of new waste facilities on alternate sites. Development of alternate sites, however, would likely result in equal or greater impacts to listed species because most suitable alternate sites also provide habitat for listed species.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and the National Environmental Policy Act of 1969 regulations (40 CFR 1506.6). The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the National Environmental Policy Act regulations and section 10(a) of the Endangered Species Act. If it is determined that the requirements are met, a permit will be

issued for the incidental take of the listed species. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: June 27, 1997.

Thomas J. Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 97-18063 Filed 7-9-97; 8:45 am]

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DEPARTMENT OF INTERIOR

Fish and Wildlife Service

Issuance of Permits for Marine Mammals

On May 8, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 89, Page 25201, that an application had been filed with the Fish and Wildlife Service by the following individual for a permit to import a sport-hunted polar bear (*Ursus maritimus*) from Canada for personal use.

Applicant/address	Population	PRT-
Jeffrey Sorg, Kalispell, MT	Southern Beaufort	827890

Notice is hereby given that on June 25, 1997, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permits subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 430, Arlington, Virginia 22203. Phone (703) 358-2104 or Fax (703) 358-2281.

Dated: July 3, 1997.

Karen Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 97-17981 Filed 7-9-97; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-930-1990-01]

New Mexico: Public Notice of Legal Financial Guarantees Acceptable to the Bureau of Land Management That Are Allowable Under New Mexico State Law

AGENCY: Bureau of Land Management, Department of Interior.

ACTION: Notice of mining claims under the general mining laws; Surface management: Forms of legal financial guarantees allowable under New Mexico State law.

SUMMARY: The Bureau of Land Management (BLM) amended the surface management regulations at 43 CFR 3809 on February 28, 1997 (62 FR 9093). The amendment requires each BLM State Director to consult with the appropriate State authorities to determine which financial instruments listed in 43 CFR 3809.1-9(k) are allowable under State law.

EFFECTIVE DATE: March 31, 1997.

ALLOWABLE FINANCIAL INSTRUMENTS: The BLM has consulted with the Director, Mining and Minerals Division of the

Energy, Minerals, and Natural Resources Department to determine which of the financial instruments listed in 43 CFR 3809.1-9(k) are allowable under New Mexico State Mining Act rules to satisfy the financial assurance requirements related to mining reclamation. All listed financial instruments are allowable under State Mining Act rules. Specifically, surety bonds, cash, irrevocable letters of credit, certificates of deposit or savings accounts, negotiable U.S., state, and municipal securities or bonds; and investment-grade rated securities having a Standard and Poor's rating of AAA or AA or equivalent rating.

ADDRESS: Inquiries should be sent to the Bureau of Land Management, New Mexico State Office, Land and Minerals Support Team, P.O. Box 27115, Santa Fe, NM 87502-0115. For further information contact: Bill Dalness, (505) 439-7405.

Dated: June 30, 1997.

Gilbert J. Lucero,

Acting State Director.

[FR Doc. 97-18088 Filed 7-9-97; 8:45 am]

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