

criteria for the acquisition of lands, or interests in lands, where such acquisition would meet objectives of the various resource programs. The plan allocates approximately 1,367 acres as right-of-way exclusion areas and 151,091 acres as right-of-way avoidance areas.

Special Recreation and Visual Resource Management Areas: The ARMP/ROD identifies seven Special Recreation Management Areas (SRMA), including one existing (Shotgun Recreation Site) and six new SRMA (Upper Lake Creek, Lower Lake Creek, Gilkey Creek, Row River, McKenzie River, Siuslaw River). The existing SRMA totals approximately 277 acres and the new SRMAs total approximately 24,454 acres. The ARMP/ROD allocates approximately 1,265 acres of BLM administered lands for 39 existing or potential recreation sites. The plan also allocates lands for 26 existing or potential trails, totaling approximately 102 miles. The plan also identifies management objectives for three Visual Resource Management classifications.

Mineral and Energy Resource Management: Most BLM administered lands will remain available for mineral leasing and location of mining claims, but 52 acres are closed to leasing for oil and gas resources by law, and 15,230 acres will be closed to location of claims.

Dated: June 13, 1995.

Judy Ellen Nelson,

Eugene District Manager.

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Fish and Wildlife Service

Availability of a Draft Environmental Impact Statement and Receipt of an Application for an Incidental Take Permit for Desert Tortoises in Washington County, Utah

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Washington County, Utah (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Applicant has been assigned Permit Number PRT-803842. The proposed permit would authorize the incidental take of the threatened desert tortoise (*Gopherus agassizii*).

The Service announces that the Applicant's incidental take permit application, draft environmental impact

statement, and Washington County Habitat Conservation Plan are available for public review. Copies of the above documents have been sent to all agencies and individuals who participated in the scoping process and to all others who have already requested copies. This notice is provided pursuant to section 10(c) of the Act, and National Environmental Policy Act regulations (40 CFR 1506.6). Comments are requested.

DATES: Written comments on the draft environmental impact statement, incidental take permit application, and habitat conservation plan must be received on or before August 28, 1995.

ADDRESSES: Requests for any of the above documents and comments or materials concerning them should be sent to the Assistant Field Supervisor, Fish and Wildlife Service, 145 East 1300 South, Suite 404, Salt Lake City, Utah 84115. The documents and comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert D. Williams, Assistant Field Supervisor (see **ADDRESSES** above) (telephone 801-524-5001, facsimile 801-524-5021).

SUPPLEMENTARY INFORMATION: Section 9 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), prohibits the "taking" of any threatened or endangered species, including the desert tortoise. However, the Fish and Wildlife Service (Service), under limited circumstances, may issue permits to take threatened and endangered wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered species are at 50 CFR 17.22.

Washington County, Utah (Applicant) submitted an application to the Service for a permit to incidentally take desert tortoise, pursuant to section 10(a)(1)(B) of the Act, in association with various private projects in Washington County. The proposed permit would allow incidental take of desert tortoise for a period of 20 years, resulting from development of up to 12,298 acres of private lands in the vicinity of the Upper Virgin River Desert Tortoise Recovery Unit in Washington County. The Upper Virgin River Desert Tortoise Recovery Unit is described in the Desert Tortoise Recovery Plan published by the Service, and contains desert tortoise habitat ranging from west of the town of Ivins on the west to the town of Springdale on the east, but does not

include the Beaver Dam Slope Desert Wildlife Management Area of the Northeastern Mojave Desert Tortoise Recovery Unit. The Beaver Dam Slope Desert Wildlife Management Area, located in the extreme southwestern corner of the State of Utah, is not addressed in this permit application. The permit application was received on June 15, 1995, and was accompanied by the Washington County Habitat Conservation Plan (HCP), which describes the Applicant's proposed measures to minimize, monitor, and mitigate the impacts of their proposed take on the desert tortoise.

The Applicant proposes to minimize incidental take through design of a desert habitat reserve of the largest size practicable that will meet recommendations for the Upper Virgin River Recovery Unit, as detailed in the Desert Tortoise Recovery Plan. Other methods to minimize incidental take will include fencing, law enforcement, education, and translocation research. Fencing is an important component of both minimization and mitigation measures, as it will be designed to minimize desert tortoise mortality, including human-caused injury and death. As mitigation, fencing will also serve to enhance habitat within the proposed reserve, allowing habitat preservation and rehabilitation.

Consolidation of desert habitat into a reserve managed for desert tortoise and other species, and removal of competing uses will comprise the primary mitigation for proposed take. The Applicant proposes establishment of a 60,969-acre desert habitat reserve, within the Upper Virgin River Desert Tortoise Recovery Unit. The proposed reserve extends from the western boundary of the Paiute Indian tribal lands on the west to the City of Hurricane on the east. Within this area, uses will be carefully controlled and all management actions will place desert tortoise and desert tortoise habitat conservation as the highest priority. The reserve also will provide habitat for numerous Federal candidate and State sensitive species. Outside the reserve, Federal activities in desert tortoise habitat will be subject to the Act section 7 consultations with the Service. Mitigation for the proposed take also will include fencing of plant reserve areas for endangered plant species, purchase of cattle grazing permits, and mineral right withdrawal within the desert habitat reserve.

For implementation and monitoring of minimization and mitigation actions, the Applicant will collect a county-wide fee of 0.2 percent of building construction costs for all new