

of listed species. On March 1, 2001, the revised stipulation respecting PBS became effective.

Although BLM has received biological opinions on selected activities, consultation on the overall CDCA Plan is necessary to address the cumulative effects of *all* the activities authorized by the CDCA Plan. Consultation on the overall Plan is complex and the completion date is uncertain. Absent consultation on the entire Plan, the impacts of individual activities, when added together with the impacts of other activities in the desert are not known. The BLM entered into negotiations with plaintiffs regarding interim actions to be taken to provide protection for endangered and threatened species pending completion of the consultation on the CDCA Plan. Agreement on these interim actions avoided litigation of plaintiffs' request for injunctive relief and the threat of an injunction prohibiting all activities authorized under the Plan. These interim agreements have allowed the BLM to continue to authorize appropriate levels of activities throughout the planning area during the lengthy consultation process while providing appropriate protection to the desert tortoise and other listed species in the short term. By taking interim actions as allowed under 43 CFR part 8364.1, the BLM contributes to the conservation of endangered and threatened species in accordance with 7(a)(1) of the ESA. BLM also avoids making any irreversible or irretrievable commitment of resources which would foreclose any reasonable and prudent alternative measures which might be required as a result of the consultation on the CDCA plan in accordance with 7(d) of the ESA.

The EA indicates the following reasons for the closure: In the Draft Recovery Plan for the Bighorn Sheep in the Peninsular Ranges (USFWS 1999), several studies are identified that link vehicle use with modification of bighorn sheep behavior (Jorgensen, 1974; Leslie and Douglas, 1980; Campbell and Remington, 1981; Miller and Smith, 1985). The Coyote Mountains are within designated critical habitat for the PBS. The proposed route closure and gate construction would be a benefit to PBS and other wildlife resources. Disturbances from vehicles would be reduced during the critical lambing season which would increase the probability of lamb survival.

Motorized vehicle use in Painted Gorge potentially conflicts with lambing season, January through June, because most visitors use the area between October and May. The existing roads and trails in the Coyote Mountains

provide a wide array of recreational opportunities for people who use motorcycles, ATV's, and 4-Wheel vehicles, including trail riding, touring and play riding.

**DATES:** The seasonal closure will be effective no sooner than July 16, 2001. The EA concerning this closure is available for a 15-day review period. Interested parties should contact the Field Office Manager for a copy and review schedule. Written comments may be sent to the address listed below in this notice.

**FOR FURTHER INFORMATION CONTACT:** El Centro BLM Field Manager, 1661 South 4th Street, El Centro, CA 92243.

**ADDRESSES:** Written comments may be sent to Bureau of Land Management, El Centro Field Office, 1661 South 4th Street, El Centro, CA 92243, Tel: 760-337-4400.

Dated: June 4, 2001.

**Gail Acheson,**

*Acting Deputy Director for Natural Resources.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Intent to Repatriate a Cultural Item in the Possession of Cornell University, Ithaca, NY

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate a cultural item in the possession of Cornell University, Ithaca, NY, that meets the definition of "object of cultural patrimony" under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these cultural items. The National Park Service is not responsible for the determinations within this notice.

The item is a carved wooden totem pole. The pole includes eagle, beaver, and halibut crest designs.

Museum records indicate that Cornell University obtained the totem pole in 1899 as a gift from Bernhard Fernow, former dean of the New York State College of Forestry at Cornell University. Professor Fernow served as a member of the Harriman Expedition,

which removed totem poles and other objects from Cape Fox Village, AK, in 1899.

Evidence for cultural affiliation is provided by historical literature, crests on the pole, and written materials submitted by the Cape Fox Corporation.

Based on the above information, officials of Cornell University have determined that, pursuant to 43 CFR 10.2 (d)(4), this cultural item has ongoing historical, traditional, and cultural importance central to the Tlingit people, and to the Neix.adi clan in particular, and that under the Tlingit system of communal property ownership could not have been alienated, appropriated, or conveyed by any individual. Officials of Cornell University also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between this object of cultural patrimony and the Neix.adi clan of the Tlingit Tribe, whose interests are represented here by the Cape Fox Corporation.

This notice has been sent to officials of the Cape Fox Corporation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with this object of cultural patrimony should contact Patricia A. McClary, Associate University Counsel, Cornell University, 300 CCC Building, Garden Avenue, Ithaca, NY 14853-2601, telephone (607) 255-5124, before July 16, 2001. Repatriation of this object of cultural patrimony to the Cape Fox Corporation may begin after that date if no additional claimants come forward.

Dated: May 18, 2001

**John Robbins,**

*Assistant Director, Cultural Resources Stewardship and Partnerships.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Intent To Repatriate Cultural Items in the Possession of the Denver Art Museum, Denver, CO

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Denver Art Museum, Denver, CO, that meet the definition of "object of cultural patrimony" and "sacred object" under Section 2 of the Act.