

from 15 January to 15 May of any year if the nest is not successful.

Approval of the HCP may qualify as a categorical exclusion under NEPA, as provided by the Departmental Manual (516 DM 2, 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). Determination of low effect HCPs is based upon the plan having: Minor or negligible effects on federally-listed, proposed, and candidate species and their habitats; minor or negligible effects on other environmental values or resources; and impacts that considered 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 it is found to qualify as a low-effect HCP, further NEPA documentation would not be required.

#### Public Review and Comment

If you wish to comment on the permit application, draft Environmental Action Statement or the proposed HCP, you may submit your comments to the address listed in the ADDRESSES section of this document. We will evaluate this permit application, associated documents, and comments submitted thereon to determine whether the permit application meets the requirements of section 10(a) of the Act and NEPA regulations. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety. 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 Applicants for the take of the bald eagle, 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.

Pursuant to an order issued on June 10, 2004, by the District Court for the

District of Columbia in *Spirit of the Sage Council v. Norton*, Civil Action No. 98-1873 (D. D.C.), the Service is enjoined from issuing new section 10(a)(1)(B) permits or related documents containing "No Surprises" assurances, as defined by the Service's "No Surprises" rule published at 63 FR 8859 (February 23, 1998), until such time as the Service adopts new permit revocation rules specifically applicable to section 10(a)(1)(B) permits in compliance with the public notice and comment requirements of the Administrative Procedures Act. This notice concerns a step in the review and processing of a section 10(a)(1)(B) permit and any subsequent permit issuance will be in accordance with the Court's order. Until such time as the June 10, 2004, order has been rescinded or the Service's authority to issue permits with "No Surprises" assurances has been otherwise reinstated, the Service will not approve any incidental take permits or related documents that contain "No Surprises" assurances.

The Service provides this notice pursuant to section 10(c) of the Act and pursuant to implementing regulations for NEPA (40 CFR 1506.6).

Dated: November 2, 2004.

**Daniel H. Diggs,**

*Acting Deputy Regional Director, Fish and Wildlife Service, Portland, Oregon.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Notice of Intent To Prepare Comprehensive Conservation Plan and Environmental Assessment for the Lacreek National Wildlife Refuge Complex, Martin, SD

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Fish and Wildlife Service intends to gather information necessary to prepare a Comprehensive Conservation Plan and associated environmental documents for the Lacreek National Wildlife Refuge Complex located in South Dakota. The Service is issuing this notice in compliance with its policy to advise other organizations and the public of its intentions and to obtain suggestions and information on the scope of issues to be considered in the planning process.

**DATES:** Written comments should be received by January 1, 2005.

**ADDRESSES:** Comments and request for more information should be sent to: Lacreek NWR Planning Project, HC5 Box 114, Martin, South Dakota 57551.

**FOR FURTHER INFORMATION CONTACT:** Linda Kelly, Refuge Planner, Division of Refuge Planning, P.O. Box 25486, DFC, Denver, Colorado 80225; (303) 236-8132.

**SUPPLEMENTARY INFORMATION:** The Service has initiated comprehensive conservation planning for the management of its natural resources. The complex consists of Bear Butte NWR, located southeast of Sturgis, South Dakota, and Lacreek NWR and Wetland Management District located near Martin, South Dakota in the southwestern part of the state.

Comprehensive planning will develop management goals, objectives, and strategies to carry out the purposes of the Complex's refuges and Wetland Management District, and comply with laws and policies governing refuge management and public use of refuges. Opportunities will be provided for public input at open houses to be held near Lacreek and Bear Butte Refuges.

All information provided voluntarily by mail, phone, or at public meetings becomes part of the official public record (*i.e.* names, addresses, letters of comment, input recorded during meetings). If requested under the Freedom of Information Act by a private citizen or organization, the Service may provide copies of such information. The environmental impact assessment of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), NEPA Regulations (40 CFR 1500-1508), other appropriate Federal laws and regulations, Executive Order 12996, and the National Wildlife Refuge System Improvement Act of 1997, and Service policies and procedures for compliance with those regulations.

Dated: October 15, 2004.

**Sharon R. Rose,**

*Acting Regional Director, Region 6, Denver, Colorado.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[WY-920-1320-EL, WYW150210]

#### Notice of Competitive Coal Lease Sale Reoffer, WY

**AGENCY:** Bureau of Land Management, Interior.