

Section B. Authority Revoked

The Order of Succession of the General Counsel published in the **Federal Register** on February 20, 1996, at 61 FR 6381, is hereby revoked.

Authority: Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d).

Dated: May 19, 1997.

Howard Glaser,

Acting General Counsel.

[FR Doc. 97-14220 Filed 5-30-97; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4247-D-01]

Amendment to Delegation of Authority From the Secretary to Officials Within the Office of General Counsel; and the Revocation of Prior Amendment

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of amendment to delegation of authority; and revocation of prior amendment.

SUMMARY: This Notice amends a Delegation of Authority from the Secretary to officials within the Office of General Counsel, published at 54 FR 4913 on January 31, 1989. The delegation, as amended, grants the authority of the General Counsel concurrently to the Deputy General Counsel (Programs & Regulations), the Deputy General Counsel (Housing and Development), the Deputy General Counsel (Civil Rights & Fair Housing), and the Deputy General Counsel (Operations). This amendment supersedes the amendment at 59 FR 9761 published on March 1, 1994.

DATE: May 13, 1997.

FOR FURTHER INFORMATION CONTACT:

John Opitz, Assistant General Counsel for Training and Administrative Law, Department of Housing and Urban Development, Room 10246, 451 7th Street, SW., Washington, DC 20410, (202) 708-0622, Extension 5046. (This is not a toll-free number.) For hearing/speech-impaired individuals, this number may be accessed via TTY by calling the Federal Information Relay Service at 1-800-877-8399.

SUPPLEMENTARY INFORMATION: It is necessary to amend an existing delegation of authority, as a result of organizational changes and the creation of the new position of Deputy General Counsel (Housing and Development). This amendment also changes the title of Deputy General Counsel (Civil Rights & Litigation) to Deputy General Counsel (Civil Rights & Fair Housing.) As a result

of this amendment to the delegation of authority, there are now four Deputy General Counsel positions in the Office of General Counsel.

Accordingly, the Delegation of Authority published in the **Federal Register** on January 31, 1989 at 54 FR 4913 (Docket No. D-89-893; FR-2595) is amended as follows:

Amendment of Delegation of Authority

1. Section A of the Delegation of Authority published on January 31, 1989 at 54 FR 4913 (Docket No. D-89-893; FR-2595) is amended by deleting the position of Deputy General Counsel, and substituting the positions of Deputy General Counsel (Programs & Regulations), Deputy General Counsel (Housing & Development) and Deputy General Counsel (Civil Rights & Fair Housing).

2. Section C, Paragraph 1 of the Delegation of Authority published on January 31, 1989 at 54 FR 4913 (Docket No. D-89-893; FR 2595) is amended by deleting the position of Deputy General Counsel, and substituting the positions of Deputy General Counsel (Programs & Regulations), Deputy General Counsel (Housing & Development) and Deputy General Counsel (Civil Rights and Fair Housing).

3. Section C, Paragraph 5 of the Delegation of Authority published on January 31, 1989 at 54 FR 4913 (Docket No. D-89-893; FR-2595) is amended by deleting the position of Deputy General Counsel, and substituting the positions of Deputy General Counsel (Programs & Regulations), Deputy General Counsel (Housing & Development) and Deputy General Counsel (Civil Rights & Fair Housing).

Authority Revoked

This amendment to the Delegation of Authority at 54 FR 4913 (published on January 31, 1989), revokes and supersedes the amendment at 59 FR 9761 (published on March 1, 1994).

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. § 3535(d)).

Dated: May 13, 1997.

Andrew Cuomo,

Secretary of Housing and Urban Development.

[FR Doc. 97-14219 Filed 5-30-97; 8:45 am]

BILLING CODE 4210-32-M

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 Quail Hollow Quarry, Santa Cruz County, CA**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Graniterock Company of Watsonville, California, has applied to the Fish and Wildlife Service for an Incidental Take Permit pursuant to the Endangered Species Act of 1973, as amended (Act). The Service proposes to issue an incidental take permit for the federally listed endangered Mount Hermon June beetle (*Polyphylla barbata*), Zayante band-winged grasshopper (*Trimerotropis infantilis*), Ben Lomond wallflower (*Erysimum teretifolium*), and Ben Lomond spineflower (*Chorizanthe pungens* var. *hartwegiana*) in the Quail Hollow Quarry, located in Santa Cruz County, California. This notice announces the availability of the permit application and the Environmental Assessment. The permit application includes the Habitat Conservation Plan for the Quail Hollow Quarry and an Implementation Agreement. The Service specifically requests comment on the appropriateness of the "No Surprises" assurances contained in this application (sections I.F.2 and VI.C.1 of the Implementation Agreement). All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

DATES: Written comments should be received on or before July 2, 1997.

ADDRESSES: Comments should be addressed to Diane K. Noda, Field Supervisor, Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003. Written comments may also be sent by facsimile to (805) 644-3958.

FOR FURTHER INFORMATION CONTACT: David Pereksta, Fish and Wildlife Biologist, at the above address (805-644-1766).

SUPPLEMENTARY INFORMATION:**Availability of Documents**

Individuals wishing copies of the documents should immediately contact the Service's Ventura Field Office at the above referenced address or telephone. Documents will also be available for public inspection, by appointment,

during normal business hours at the above address.

Background Information

Graniterock Company (the applicant) currently has authorization from the County of Santa Cruz to mine sand in areas A, B, and C of the Quail Hollow Quarry (known as the current mining area). The applicant presently is mining in area A of the current mining area where no listed species occur. Continued mining would be conducted in two phases. During phase one (lasting up to three years), the applicant proposes to mine in areas B and C of the current mining area where populations of the endangered Mount Hermon June beetle, Zayante band-winged grasshopper, Ben Lomond wallflower, and Ben Lomond spineflower occur. The sand source in the current mining area is expected to last for only a few years. During phase two, the applicant intends to expand mining into an area known as the future mining area. Expansion into the future mining area would require amendment of the initial 3-year incidental take permit to a 100-year permit, including preparation of a supplement to the Environmental Assessment, as well as public review of the application for a permit amendment. For context, the Habitat Conservation Plan covers both the current and future mining areas.

The applicant needs an incidental take permit from the Service because listed wildlife species are protected against "take" pursuant to section 9 of the Act. That is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). The Service, however, may issue permits to take listed animal species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Section 9 of the Act generally does not prohibit take of federally listed plants on private lands unless the take or action resulting in take would violate State law. The applicants have requested a permit for plants to the extent that their take would be a violation of the Act. Impacts to listed plants also must be addressed in the intra-Service consultation required pursuant to section 7(a) of the Act.

The Service proposes to issue a three-year permit to the applicant for incidental take of four listed species during phase one of proposed mining activities in the current mining area of Quail Hollow Quarry. The proposed action would result in the loss of habitat

for, and individuals of, the Mount Hermon June beetle, Zayante band-winged grasshopper, Ben Lomond wallflower, and Ben Lomond spineflower in the current mining area as the natural vegetation communities in which they are found are removed during mining operations. This action could directly and indirectly affect the species described above.

The proposed action would authorize the incidental take of all Mount Hermon June beetles and Zayante band-winged grasshoppers in the current mining area on approximately 19 acres of the 220-acre quarry site. The current mining area contains approximately 3.5 acres of suitable habitat for these listed wildlife species. In addition, a few occurrences of the Ben Lomond wallflower, comprising about 0.5 acres of habitat, would be lost from the current mining area. A small population of Ben Lomond spineflower, comprising less than 0.5 acres, also would be lost.

The applicant developed a Habitat Conservation Plan as part of a settlement agreement for litigation it had filed seeking a vested right to mine the entire quarry. This agreement set out to resolve all of the endangered species and habitat protection issues on the property. Under this agreement, the applicant, the County of Santa Cruz, Sierra Club, California Native Plant Society, and the South Ridge Watershed Association established the minimum mitigation requirements under which continued sand mining in Quail Hollow Quarry would be allowed. The agreement is in the form of a stipulation for entry of judgment (Stipulation Agreement).

Consistent with this Stipulation Agreement, the Habitat Conservation Plan proposes the following minimization and mitigation measures for phase 1 mining. At the time that the applicant satisfies the conditions specified in the current mining approval as prerequisites to commencing mining in areas B and/or C of the 19-acre current mining area it will: grant a conservation easement in perpetuity to Santa Cruz County for the 11.1-acre North Ridge Habitat Set Aside; provide for protection and long-term management of the North Ridge Habitat Set Aside; implement pertinent provisions of the Habitat Conservation Plan in order to avoid disturbing listed species in all areas of the quarry property except for areas within the current mining area, overburden and stockpile areas, and existing access road; enhance 2 acres of disturbed sand parkland on the project site, protecting and providing long term management of the area in a location satisfactory to the

County of Santa Cruz; and revegetate slopes within the current mining area with the goal of reestablishing habitat for the listed species.

The applicant also will perform measures to prevent incidental loss of adults, immatures, or habitat values of the June beetle and grasshopper within the protected populations. These activities include: managing exterior lighting to reduce their attractiveness to male beetles; avoiding placement of spoils in previously undisturbed habitat; directing all mining area surface runoff away from habitat set asides; restoring natural drainage patterns through occupied habitat; removing non-native plants from natural habitat areas throughout the property, with particular attention being given to the habitat set asides; and limiting human use of habitat set asides to existing trails and clearings.

Environmental Assessment

The Environmental Assessment considers the environmental consequences of the proposed action and no action alternatives. A no take alternative was not feasible due to the widespread distribution of the Zayante band-winged grasshopper on site. Consistent with the Stipulation Agreement, the proposed action would require the applicant to implement phase 1 of their Habitat Conservation Plan (see Background for a description of the proposed action).

Under the no action alternative, the Service would not issue an incidental take permit to the applicant and a Habitat Conservation Plan would not be implemented. The applicant would continue to mine area A, where no listed species occur, until the sand supply was exhausted. The applicant would then reclaim all previously disturbed areas of the quarry consistent with their reclamation plan as required by the Surface Mining and Reclamation Act. The applicant would be prevented from legally carrying out mining in other areas of the quarry due to the presence of listed animal species in the area. The no action alternative would negate the terms of the Stipulation Agreement and could result in continued and lengthy litigation. In the meantime, the absence of the Habitat Conservation Plan would effectively preclude the sale of the South Ridge property to Santa Cruz County and the establishment of the North and West Ridge conservation easements.

This notice is provided pursuant to section 10(a) of the Act and Service regulations for implementing the National Environmental Policy Act of 1969 (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 law. If the Service determines that the requirements are met, a permit will be issued for the incidental take of the listed species. A final decision on permit issuance will be made no sooner than 30 days from the date of this notice.

Dated: May 23, 1997.

David L. McMullen,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 97-14261 Filed 5-30-97; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-070-97-1430-00]

Emergency Closure of Public Lands to Motorized Vehicles Within the Headwaters Resource Area, Montana

AGENCY: Butte District Office, Bureau of Land Management, DOI

ACTION: Notice is hereby given that effective immediately all public lands in the Whitetail/Pipestone area located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and the N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, section 17, T. 2 N., R. 5 W., P.M.M. located north of the OHV trail which parallels the railroad tracks, to the old cabin along Dry Creek to the north, and roughly in the center of the NW $\frac{1}{4}$ of section 17, are closed to all vehicle access.

The purpose of this closure is to prevent further disturbance to the soils and vegetation in and near the riparian area, reduce sedimentation into Dry Creek, and stop the proliferation of user-created trails in the area.

The authority for this closure is 43 CFR 8341.2. The closure will remain in effect until the Recreation Management Plan for this area is completed.

ADDRESSES: Copies of the closure order and maps showing the location of the closed roads are available from the Headwaters Resource Area, 106 N. Parkmont, P.O. Box 3088, Butte, Montana 59702.

FOR FURTHER INFORMATION CONTACT: Merle Good, Headwaters Resource Area Manager, P.O. Box 3388, Butte, Montana 59702; telephone 406-494-5059.

Dated: May 20, 1997.

Michele Good,

Acting District Manager.

[FR Doc. 97-14227 Filed 5-30-97; 8:45 am]

BILLING CODE 4310-DN-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-933-97-1320-01; COC 60622]

Colorado; Notice of Invitation for Coal Exploration License Application, Mountain Coal Company

Pursuant to the Mineral Leasing Act of February 25, 1920, as amended, and to Title 43, Code of Federal Regulations, Subpart 3410, members of the public are hereby invited to participate with Mountain Coal Company in a program for the exploration of unleased coal deposits owned by the United States of America in the following described lands located in Gunnison County, Colorado:

T. 13 S., R. 89 W., 6th P.M.

Sec. 16, SW $\frac{1}{4}$;

Sec. 17, all;

Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 20, all;

Sec. 21, W $\frac{1}{2}$;

Sec. 28, W $\frac{1}{2}$;

Sec. 29, all;

Sec. 30, lots 1 to 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 31, lots 3 to 6, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 32, all;

Sec. 33, W $\frac{1}{2}$.

T. 13 S., R. 90 W., 6th P.M.

Sec. 12, lots 6 to 10, inclusive, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 13, lots 1 to 16, inclusive;

Sec. 24, lots 1 to 16, inclusive;

Sec. 25, all;

Sec. 35, lots 1 to 16, inclusive;

Sec. 36, all.

T. 14 S., R. 89 W., 6th P.M.

Sec. 4, lots 7, 8, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;

Sec. 5, lots 3 to 6, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$;

Sec. 6, lots 4 to 10, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.

T. 14 S., R. 90 W., 6th P.M.

Sec. 1, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$;

Sec. 2, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$;

Sec. 11, N $\frac{1}{2}$ N $\frac{1}{2}$;

Sec. 12, N $\frac{1}{2}$ N $\frac{1}{2}$.

The area described contains approximately 12,592.58 acres.

The application for coal exploration license is available for public inspection during normal business hours under serial number COC 60622 at the Bureau of Land Management (BLM), Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215, and at the Montrose District Office, 2465 South Townsend Avenue, Montrose, Colorado 81401.

Written Notice of Intent to Participate should be addressed to the attention of the following persons and must be received by them within 30 days after

publication of the Notice of Invitation in the **Federal Register**:

Karen Purvis, Solid Minerals Team, Resource Services, Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215

and

Wendell Koontz, Sr. Geologist, Mountain Coal Company, P.O. Box 591, Somerset, Colorado 81434

Any party electing to participate in this program must share all costs on a pro rata basis with the applicant and with any other party or parties who elect to participate.

Dated: May 19, 1997.

Karen Purvis,

Solid Minerals Team, Resource Services.

[FR Doc. 97-14226 Filed 5-30-97; 8:45 am]

BILLING CODE 4310-JB-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-030-1310-00]

Amended Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Amended Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) and to conduct Scoping for the Continental Divide/Wamsutter II Natural Gas Development Project, Carbon and Sweetwater Counties, Wyoming.

SUMMARY: Under Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Land Management (BLM), Rawlins District Office, will prepare an EIS for the proposed Continental Divide/Wamsutter II Natural Gas Development Project. Several oil and gas operators (Operators) plan to expand natural gas exploration and development operations in and adjacent to existing developed oil and gas fields within the Continental Divide Area and the Greater Wamsutter II Area.

The Continental Divide/Wamsutter II Project Area (CD/WIIPA) is generally located in T. 15 N.-T. 23 N, R. 91 W.-R. 99 W. in Sweetwater and Carbon Counties, south-central Wyoming, and encompasses approximately 1,061,200 acres of mixed Federal (515,300 acres), State (25,900 acres), and private (520,000 acres) land. The CD/WIIPA is located approximately 25 miles west of Rawlins and 40 miles east of Rock Springs along Interstate 80, which bisects the area. Operators propose to