accuracy of the record, all statements should be submitted in writing. All statements, both oral and written, will become part of the public record in the study. Equal weight will be given to both oral and written comments. In the interest of available time, each speaker will be asked to limit oral comments to three minutes. Longer comments should be summarized at the public hearings and submitted in writing either at the hearing or mailed to Mr. John Coon (Code 05AL.JC), Southwest Division, Naval Facilities Engineering Command, 1220 Pacific Highway, San Diego, CA 92132, telephone (888) 428–6440, fax (619) 532–4998, or e-mail address at *CVN HOMEPORTING@efdswest.navfac.navy.mil.* The public review period has been extended thirty-one days. Comments should be postmarked on or before November 12, 1998.

Dated: September 29, 1998.

Ralph W. Corey,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 98–26405 Filed 10–1–98; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision For the Yuma Training Range Complex, Arizona and California

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: Pursuant to section 102(c) of the National Environmental Policy Act (NEPA) of 1969, and the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the Department of the Navy announces its decision to upgrade the capability of the Yuma Training Range Complex (YTRC).

DATES: This decision takes effect October 2, 1998.

ADDRESSES: Questions regarding the environmental impact statement (EIS) prepared for this action may be directed to Commanding Officer, Marine Corps Air Station, Box 99160, Yuma, AZ 85369–9160.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Pearce, Director, Range Management Department, (520) 341–3401, fax (520) 341–2216, e-mail pearcer@yuma.usmc.mil.

SUPPLEMENTARY INFORMATION: The decision has been made to approve the following actions, which are described in more detail in the EIS:

Discontinue authorization for and use of the low-level holding areas for fixed-wing aircraft over the Cabeza Prieta National Wildlife Refuge (NWR). Allow the corridors for low-level overflights of the Cabeza Prieta NWR by fixed-wing aircraft to be activated for use on up to 60 days per year but not more than 7 consecutive days at a time; implementation of airspace proposals over the Cabeza Prieta NWR will require the renegotiation of the Memorandum of Understanding among the Marine Corps, Air Force, and U.S. Fish and Wildlife Service governing low-level military aircraft overflights of the Cabeza Prieta NWR. Replace the 11 existing corridor segments for low-level overflight of the Cabeza Prieta NWR by rotary-winged aircraft (i.e., helicopters) with three distinct corridors identified to resolve endangered species (Sonoran pronghorn and lesser long-nosed bat) protection issues (Alternatives 1–3, 1–4 and 1–5).

Establish a new restricted area, designated R–2507E, contiguous with the northeastern side of R–2507S, that will increase the restricted airspace available to support aviation training operations without exceeding land boundaries of the Chocolate Mountain Aerial Gunnery Range (Chocolate Mountain Range) (Alternative 2–3).

Establish an overlying controlled firing area contiguous to R–2507N to support overhead firing for Naval Special Warfare Group One training (Alternative 3–2).

Add new target scenarios to the existing Moving Sands and Cactus West target inert impact areas in the Barry M. Goldwater Air Force Range (Goldwater Range) (Alternative 4–2).

Construct a narrow-width runway/roadway for AV–8B roadway operations at auxiliary airfield two in the Goldwater Range (Alternative 5–2).

Relocate the parachute drop zone for cargo recovery to a position southeast of auxiliary airfield two (Alternative 6–2).

Establish three ground support zones in the Goldwater Range to consolidate existing ground support areas in selected intensive use locations, designate four new individual ground support areas in unserved locations west of the Gila Mountains, and inactivate the use of four ground support areas that are not currently needed. The designation of one new individual ground support area near Stoval Auxiliary Field inside the retired Multiple Aimpoint Validation test area but outside of the Mohawk Mountains and Sand Dunes Areas of Critical Environmental Concern was proposed as part of this alternative. The Marine Corps will not establish this additional ground support area at this time (Alternative 7–3).

Install five new Tactical Aircrew Combat Training System range threat emitters in the Goldwater Range (Alternative 8–2).

Increase the maximum net explosive weight limits for air-to-ground ordnance delivery at the Chocolate Mountain Range to twelve MK–82 (500-pound) bombs, six MK–83 (1,000-pound) bombs, or four MK–94 (2,000-pound) bombs per aircraft pass (Alternative 9–2).

Rescind the prohibition on night ordnance delivery training on the Chocolate Mountain Range between 10 p.m. and 6 a.m. No specific proposal currently exists to implement this action alternative. Subsequent environmental documentation will be completed as required prior to implementing night ordnance delivery under this alternative (Alternative 10–2).

The proposal to authorize air-to-ground delivery of live ordnance in the southwestern portion of R–2507 of the Chocolate Mountain Range has been withdrawn from further consideration (Alternative 11–2). Any future proposal to authorize air-to-ground delivery of live ordnance in this area would be evaluated in subsequent environmental documentation, as appropriate, once a proposal is ripe for consideration.

Develop three new individual targets and redevelop targets at seven inactive individual target sites in the Chocolate Mountain Range (Alternative 12–2).

Relocate the two off-range ground support areas and drop zone to positions inside the Chocolate Mountain Range boundary (Alternative 13–2).

Inactivate use of Training Area 1 and Firing Zones 1 and 2 for ground training activities, and relocate the Naval Special Warfare Group One training activities conducted in those locations to Training Area 2, to be redesignated Special Warfare Training Area 4. In addition, develop Special Warfare Training Area 4 to accommodate relocated weapons training by Naval Special Warfare Group One. As a result of this action, a training requirement of Naval Special Warfare Group One currently cannot be met. A proposal may be developed by the Department of the Navy to establish a range capable of supporting a 360 degree field of fire. Though no proposal currently exists, it seems likely an alternative that would be evaluated is the Chocolate Mountain Range. Environmental documentation would be prepared, as appropriate, once a proposal is ripe for consideration. In addition, any proposal to expand Naval Special Warfare Group One training activities or construct new facilities on the Chocolate Mountain Range would be evaluated in subsequent environmental

documentation, as appropriate. Training Area 1 and Firing Zones 1 and 2 will continue to be active for aviation training (Alternative 14–2).

Alternatives Considered

The proposed actions are functionally independent of each other and have stand alone value for improving the YTRC. Alternatives were identified that met mission requirements while maximizing protection for the environment. As a result, only three alternative sets had more than one action alternative identified. For the remaining 11 alternative sets, only the proposed action and no action alternatives were identified. The no action alternative to each proposal would result in no changes to existing YTRC facilities or procedures. In addition to the preferred alternatives and no action alternatives, the EIS considered the following alternatives in detail:

Replace the 11 existing corridor segments for low-level overflights of the Cabeza Prieta NWR by rotary-wing aircraft with three distinct corridors. The three corridors of this alternative include different locations than those proposed in preferred Alternative 1–5 (Alternative 1–2).

Allow the corridors for low-level overflights of the Cabeza Prieta NWR by fixedwing aircraft to be activated for use on up to 36 days per year but not for more than seven consecutive days at a time (Alternative 1–6).

Establish a new restricted airspace, designated as R–2507E contiguous with the northeastern side of R–2507S, that will increase the restricted airspace available to support aviation training operations over the southeast section of the Chocolate Mountain Range and adjoining offrange lands (Alternative 2–2). This is different from the selected alternative as it would establish airspace outside of the Range land boundary.

Establish three ground support zones to consolidate existing ground support areas in selected intensive use locations, designate four new individual ground support areas in unserved locations west of the Gila Mountains, designate one new individual ground support area near Stoval Airfield at the western end of the retired Multiple Aimpoint Validation test area inside the Mohawk Mountains and Sand Dunes Areas of Critical Environmental Concern, and close four ground support areas that are no longer needed (Alternative 7–2).

Selected and Environmentally Preferred Alternatives

The environmentally preferred alternative for an action alternative is generally one that avoids or minimizes new ground disturbance, minimizes noise on sensitive receptors, or results in a net beneficial environmental affect. This discussion identifies the environmentally preferred alternative for each action alternative and provides the rationale in those cases when the environmentally preferred alternative was not chosen.

YTRC Airspace Alternatives

Discontinuing flight holding areas (Alternative 1–3) is environmentally preferred over no action (Alternative 1–1) as this action would eliminate the potential for noise from aircraft that may use the holding areas. No action and replacing the 11 rotary-winged corridors with 3 corridors to resolve endangered species protection issues (Alternative 1–5) are environmentally preferred over replacing the 11 corridors with 3 corridors that overlie areas of greater sensitivity to Sonoran pronghorn and lesser long-nosed bats (Alternative 1–2). No action may be environmentally preferable to Alternative 1–5 in terms of recreation use as it does not include helicopter overflights of the Childs Valley; however, the minimal occurrence of overflights associated with the Weapons Tactics Instructor course is not regarded as a significant intrusion of the Cabeza Prieta NWR. Alternative 1–5 was developed in cooperation with the U.S. Fish and Wildlife Service and the Arizona Game and Fish Department to increase training flexibility while also reducing impacts to the endangered Sonoran pronghorn during the semiannual Weapons Tactics Instructor Courses. This alternative, though, will increase the potential for wildlife exposure to noise. The U.S. Fish and Wildlife Service Biological Opinion of April 17, 1996, addressing the actions being evaluated in the YTRC EIS determined that noise associated with this action alternative will not jeopardize the existence of the Sonoran pronghorn. The Biological Opinion also determined that other listed species will not be adversely affected by noise resulting form this action alternative. Therefore, noise impacts on wildlife from this action alternative are not considered significant. Accordingly, Alternatives 1–3 and 1–5 were chosen as they meet the military requirements of the Marine Corps, provide the best level of protection for sensitive biological resources, and have minimal impacts on recreational users of the Goldwater Range.

No action is environmentally preferred over allowing fixed-wing overflights of the Cabeza Prieta NWR on up to 60 days per year (Alternative 1–4) and allowing fixed-wing overflights of the Cabeza Prieta NWR on up to 36 days per year (Alternative 1–6) because taking no action would limit the days low-level flights and thus limit the noise exposure to wildlife and the potential noise exposure to refuge visitors. Alternative 1–4 would also increase the potential for wildlife exposure to noise. The Sonoran pronghorn is the only federally listed species that may be adversely affected by noise from this action alternative. The U.S. Fish and Wildlife Service Biological Opinion of April 17, 1996, addressing the actions being evaluated in the YTRC EIS determined that noise associated with this action alternative will not jeopardize the existence of the Sonoran pronghorn. The Biological Opinion also determined that other listed species will not be adversely affected by noise resulting form this action alternative. Therefore, noise impacts on wildlife from this action alternative are not considered significant. Accordingly, Alternative 1–4 was chosen as it meets mission requirements of the Marine Corps while not significantly impacting sensitive noise receptors.

An aggregate noise effect will occur from implementing Alternative 1–5 whether fixed-wing aircraft use of low-level airspace over Cabeza Prieta occurs as described by Alternative 1–4 or not. Low-level overflight of Cabeza Prieta NWR by rotary-wing and fixed-wing aircraft occurs on the same days only during the semiannual Weapons Tactics Instructor courses. Rotary-wing aircraft could overfly the Charlie Bell Pass area during Weapons Tactics Instructor courses for the first time as a result of implementation of Alternative 1–5, thus adding the noise of rotary-wing aircraft to fixed-wing aircraft in this area. At the same time, realignment of the rotary-wing corridors per Alternative 1–5 will reduce rotary-wing overflights and noise at Tule Well Camp. Fixed-wing aircraft noise will remain as the predominant aircraft noise source at both locations during the Weapons Tactics Instructor courses. With implementation of Alternative 1–4, fixed-wing aircraft noise alone would affect Cabeza Prieta NWR during non-Weapons Tactics Instructor course periods. None of the proposed action alternatives will significantly reduce civilian access to airspace. Restrictions on civilian use of the YTRC airspace have been ongoing and will continue as a measure to protect all airspace users by separating dissimilar uses. However, when the airspace has not been scheduled for military use it has been and will

continue to be open to use by civilian aircraft. The EIS evaluation of cumulative noise impacts determined that the action alternatives will not result in a significant cumulative noise impact with any other aircraft use of the YTRC airspace. When emissions from military aircraft are considered cumulatively with other emission sources, the resulting air quality within the YTRC region remains below de minimis.

No action (Alternative 2–1) is environmentally preferred over establishing a new restricted airspace that extends beyond the Chocolate Mountain Range boundary (Alternative 22) and establishing a new restricted airspace within the Range boundary (Alternative 2–3). No action would avoid the potential for bighorn sheep to be exposed to an increase in aircraft noise and would limit the area of noise exposure. However, Alternative 2–3 would have no significant environmental affect. Accordingly, Alternative 2–3 was chosen as it met the mission requirements of the Marine Corps while not significantly impacting sensitive noise receptors.

No action (Alternative 3–1) is environmentally preferred over establishing a Controlled Firing Area for Naval Special Warfare Group One training (Alternative 3–2) as the no action alternative avoids small arms noise that could potentially affect wildlife or residents that live near the Range. However, Alternative 3–2 would have no significant environmental affects. Accordingly, Alternative 3–2 was chosen as it meets mission requirements of the Marine Corps while not significantly impacting sensitive noise receptors.

Goldwater Range Alternatives

Adding new target scenarios at Moving Sands and Cactus West targets (Alternative 4–2) and no action (Alternative 4–1) are indistinguishable in regard to environmental preference. Alternative 4–2 would result in either no affect or no change from the no action alternative. However, Alternative 4–2 is more beneficial in its military training capability.

No action (Alternative 5–1) is environmentally preferable over constructing a runway/roadway for AV–8B aircraft operations (Alternative 5–2) because it avoids the loss of several acres of flat-tailed horned lizard habitat and avoids particulate emissions associated with construction activities. Construction of the facility, though, will be accomplished in accordance with the Flat-Tailed Horned Lizard Range Wide Management Strategy and the environmental analysis determined that air emission impacts resulting from facility construction will not significantly degrade air quality. Accordingly, Alternative 5–2 was chosen as it meets mission requirements of the Marine Corps while not significantly impacting sensitive biological resources or air quality.

Relocating a drop zone from its current location to a position southeast of auxiliary airfield two (Alternative 6–2) is environmentally preferable over no action (Alternative 6–1). Alternative 6–2 would move the drop zone to an area of less sensitive flat-tailed horned lizard habitat, reduce the potential for flat-tailed horned lizard mortality from vehicle activity, eliminate conflicts with the explosive ordnance disposal operating area, and reduce the slight potential conflict with general aviation.

No action (Alternative 7–1), restricting ground units to existing ground support areas, is environmentally preferable over establishing new ground support areas (Alternatives 7–2 and 7–3). The no action alternative avoids new ground disturbance and associated effects such as the potential for soil erosion and the loss of flat-tailed horned lizard and Sonoran pronghorn habitat. In a comparison of Alternatives 7–2 and 7–3, the selected alternative, 7–3, is environmentally preferred as it avoids the creation of a ground support area within an Area of Critical Environmental Concern. Nonetheless, there would be a potential increase of impacts to flat-tailed horned lizard habitat and a small increase in ground activity within the range of the Sonoran pronghorn. Impacts to these two species are not considered significant as the action alternative is being implemented using protocols established in the Flat-Tailed Horned Lizard Range Wide Management Strategy, and the U.S. Fish and Wildlife Service Biological Opinion of April 17, 1996, addressing the actions being evaluated in the YTRC EIS determined that the action will not jeopardize the existence of these species. Accordingly, the selected alternative was chosen as it meets mission requirements of the Marine Corps while not significantly impacting sensitive biological resources.

No action (Alternative 8–1) to maintain the existing Tactical Aircrew Combat Training System range is environmentally preferable over expanding the capability of this range by installing five new threat emitters (Alternative 8–2). The no action alternative avoids the potential for soil erosion, surface water sedimentation following rainfall, vegetation loss, particulate matter increases, and changes to the landscape that are associated with ground disturbance and facility installation. However, each threat emitter site will only result in the disturbance of 1,500 square feet. Efforts will be made to avoid vegetation whenever possible during emitter installation. The emitters will be located along an existing power line and will not be out of keeping with facilities one would expect to find on the Goldwater Range. Emitter installation and operation would not significantly impact the environment. Accordingly, the selected alternative, 8–2, was chosen as it meets the mission requirements of the Marine Corps while not significantly impacting sensitive biological resources, air quality, or visual resources.

The combination of implementing alternatives 4–2, 5–2, 6–2 and 7–3 jointly would affect a larger area of flat-tailed horned lizard habitat. However, the overall affect is on a relatively minor portion of the species range and is not significant. In addition, this action alternative will comply with the Flat-Tailed Horned Lizard Range Wide Management Strategy. Ground disturbing activities that result from implementing these alternatives would cause a minimal potential for increased soil erosion and surface water sedimentation following rainfall in locations that were not previously disturbed. The threshold for PM_{10} emissions that would require a conformity determination in compliance with the Clean Air Act is 100 tons per year. Implementation of this alternatives grouping will result in an increase of PM_{10} emissions of 22.22 tons per year. Accordingly, a conformity determination is not required and the impact is considered not significant. Goldwater Range cumulative effects evaluated recreational use managed by the Bureau of Land Management; operations of the U.S. Border Patrol; wildlife management planning and operations of the U.S. Fish and Wildlife Service, Arizona Department of Game and Fish, and the Flat-tailed Horned Lizard Interagency Technical Advisory Team; highway planning of the Yuma Metropolitan Planning Organization; military operations of the Marine Corps and the U.S. Air Force. A plethora of unimproved roads and off-road driving areas that are contrary to current management plans exists. As discussed in the EIS, the Marine Corps will not create new roads and will ensure that its ground vehicles only use designated roads. Marine Corps ground activities will not cumulatively create additional roads or off-road driving areas that are

counter to existing management plans. Impacts to biological resources result from aircraft and vehicular use of the Goldwater Range. Marine Corps activities will not significantly affect these resources cumulatively. Marine Corps activities will cumulatively result in air quality degradation. However, this degradation will not violate Arizona air quality standards.

Chocolate Mountain Range Alternatives

Maintaining the existing net explosive weight limits per no action (Alternative 9–1) is indistinguishable environmentally over increasing weight limits for air-to-ground ordnance delivery (Alternative 9–2). While the selected alternative will increase the ordnance weight limit allowed per aircraft pass, the total weight limit of each aircraft dropping ordnance will not increase. Accordingly, noise levels will increase, but this increase is not significant. In addition, the target areas have been used extensively over the past 50 years and no longer contain constituent elements of critical habitat for the desert tortoise. Ordnance detonation of increased explosive weight loads per aircraft pass will not significantly impact this species or its habitat.

No action (Alternative 10–1) is environmentally preferred to authorizing night ordnance delivery training (Alternative 10–2). No action avoids increases in noises at night that may affect off-range residences and nocturnal wildlife species. However, as noted earlier, no specific proposal exists to drop ordnance during these hours. Environmental documentation will be prepared pursuant to NEPA, as appropriate, when a proposal is ripe for consideration.

No action (Alternative 12–1) is environmentally preferred over developing three new targets and redeveloping seven inactive targets (Alternative 12–2). No action avoids effects that may be associated with ground disturbance, such as the potential for soil erosion, surface water sedimentation following rainfall, minor losses of vegetation, increases in particulate emissions, and potential effects on cultural resources. Target development would not significantly impact the environment. Accordingly, the selected alternative, 12–2, was chosen as it meets mission requirements of the Marine Corps while not significantly impacting sensitive biological resources or air quality.

While relocating two ground support areas and a drop zone to positions inside the Range boundary (Alternative 13–2) may potentially result in minor vegetation losses, this alternative is environmentally preferable over no action (Alternative 13–1) because relocation eliminates the military use of Bureau of Land Management administered lands outside the Range and eliminates potential safety concerns.

Relocating Naval Special Warfare Group One training activities to a new Training Area 2 (Alternative 14–2) is environmentally preferable over no action (Alternative 14–1). While Alternative 14–2 may potentially result in some soil erosion and surface water sedimentation following rainfall in Training Area 2, this alternative also reduces the potential for erosion and surface water sedimentation following rainfall in the training areas that would be discontinued from use. In addition, Alternative 14–2 reduces potential impacts on the desert tortoise by moving ground training activities outside of habitat designated by the U.S. Fish and Wildlife Service as critical for this species.

The aggregate of alternatives 12–2, 13–2 and 14–2 will result in a minimal potential for increases in soil erosion and surface water sedimentation following rainfall. The combination of target development and relocation of Naval Special Warfare Group One training will result in increased noise at residences south of the Chocolate Mountain Range boundary; this noise, though, will not be significant. Marine Corps activities will cumulatively result in air quality degradation. However, this degradation will not result in a net increase in non-attainment criteria pollutants. Marine Corps activities when cumulatively evaluated will remain below de minimis. Air quality is the only resource that may be cumulatively affected as the Chocolate Mountain Range is closed to public access. This prohibition on public entry in conjunction with Marine Corps land management activities has created a large, well preserved habitat for sensitive biological species.

Mitigation

The Marine Corps previously adopted measures to protect the resources of the Goldwater and Chocolate Mountain Ranges. These measures will be continued and include protocols for appropriate waste disposal, restrictions on off-road vehicle use, spill containment, and explosive ordnance disposal sweeps.

To mitigate impacts resulting from the actions being taken, the Marine Corps will initiate a host of measures as described on pages S–40 through S–44 of the Final EIS. These measures include requiring units that deploy to Marine Corps Air Station (MCAS) Yuma provide an exercise control group that will be responsible for ensuring the compliance of their unit with Standing Operating Procedures for the use of training areas. Also, MCAS Yuma will establish a single point of contact to receive and investigate report of unauthorized use of airspace and ground training areas of the Ranges. Finally, MCAS Yuma will host annual conferences with representatives of agencies involved with land and resource management on the Goldwater and Chocolate Mountain Ranges in order to review the previous year's training activities, share information regarding Range resource protection, and receive input from the agencies and the public about MCAS Yuma operations and environmental issues.

The Marine Corps will implement all terms and conditions of the Biological Opinion and Conference Opinion for the Goldwater Range issued by the U.S. Fish and Wildlife Service on April 17, 1996. The Marine Corps will continue to work with Luke Air Force Base in evaluating potential effects to Sonoran pronghorn populations from ordnance delivery and unexploded ordnance at target sites on the North and South tactical ranges. To this end, the Marine Corps has joined with the U.S. Fish and Wildlife Service, Arizona Department of Game and Fish and U.S. Air Force to study noise and risk affects on Sonoran pronghorn use of target areas on the Goldwater Range. This three year study, which began in 1997, will assess the long term noise effects of military overflight and ordnance delivery on the Sonoran pronghorn by monitoring Sonoran pronghorn use in the North and South TAC Ranges of the Goldwater Range, response of fawns to noise, and doe/fawn interactions in the presence of aviation noise.

The Marine Corps has been involved with recovery of the Sonoran pronghorn since 1993. Examples of this involvement include a 1993–1997 study to evaluate the use of free standing water by the Sonoran pronghorn by surveying the use of waterholes in the Cabeza Prieta NWR, an ongoing study initiated in 1994 to determine productivity and recruitment, range distribution and movement patterns through the use of radio collars, an ongoing study initiated in 1997 to determine the use of North and South TAC ranges on the eastern portion of the Goldwater Range using radio collars, and an ongoing computer analysis study initiated in 1998 to determine the probability of Sonoran pronghorn encounters with low-level overflights.

The Marine Corps, in coordination with U.S. Fish and Wildlife Service and Arizona Game and Fish Department, will continue to conduct long-term studies to assess the effects of low-level aviation on the Sonoran pronghorn. These studies will measure and analyze the effects of Marine Corps low-level overflights on the Sonoran pronghorn, including the Weapons Tactics Instructor course. If the preliminary or final conclusions of a study indicate that Marine Corps activities are resulting in adverse affects on the Sonoran pronghorn, or any other threatened or endangered species, the Marine Corps will reinitiate Section 7 consultation with the U.S. Fish and Wildlife Service. The Marine Corps will actively engage in the Sonoran pronghorn recovery effort by developing and implementing appropriate priorities established by the Sonoran Pronghorn Core Working Group, including but not limited to ground plot watering, fence modification, and coordination with cross-border Mexican conservation efforts.

The Marine Corps will implement those appropriate portions of the Flat-Tailed Horned Lizard Range Wide Management Strategy. The Marine Corps will also cooperate with the Department of Interior in the development of a management plan for the Yuma Desert and Sand Dunes Habitat Management Area, and the Gran Desierto Dunes Area of Critical Environmental Concern. Finally, the Marine Corps will implement all terms and conditions of the Biological Opinion for the Chocolate Mountain Range issued by the U.S. Fish and Wildlife Service on April 18, 1996, and will support surveys of bat and bighorn sheep populations.

Ground disturbing activities will be minimized within Areas of Critical Environmental Concern as much as practicable. Roads closed to military vehicle traffic will be posted.

Military vehicle access to existing ground support areas along the El Camino del Diablo backcountry byway in the Goldwater Range will be via a limited number of designated roads. Off-road use within the existing support areas will be excluded within the first 100 meters of this backcountry byway; all other entrance roads will be obscured within 100 meters of the byway. New support areas will be located at least 400 meters (about .25 miles) from the byway; military vehicle access will be limited.

A noise study will be completed to determine the specific noise impacts that would be anticipated prior to implementing reauthorized aerial bombing after 10 p.m. in the Chocolate Mountain Range.

Cultural resources will continue to be considered during implementation of the actions in accordance with the programmatic agreements with the Arizona and California State Historic Preservation Officers. Surveys to inventory and evaluate cultural resources within sites to be developed will occur prior to ground disturbance. In consultation with the State Historic Preservation Officers, Advisory Council on Historic Preservation, and other concerned agencies and concerned tribes, specific measures will be developed and implemented to accommodate cultural resources discovered.

With adoption of these measures, the Marine Corps has adopted all practicable means to avoid or minimize environmental harm from the alternatives selected.

Information Available Subsequent to Completion of the EIS

Subsequent to the completion of the EIS, the U.S. Fish and Wildlife Service adopted the Flat-Tailed Horned Lizard Range-Wide Management Strategy. The Marine Corps is a signatory party to this plan. Information from this plan was used to support the decisions identified in this Record Of Decision. This species is currently not listed as endangered or threatened. However, in the event this species is listed the Marine Corps will seek to reinitiate Section 7 Consultation with the U.S. Fish and Wildlife Service for its activities which may affect this species.

The cactus ferruginous pygmy owl was listed as an endangered species by the U.S. Fish and Wildlife Service after the EIS was published. In compliance with the terms and conditions of the U.S. Fish and Wildlife Conference Opinion that addresses the actions associated on the Goldwater Range, the Marine Corps conducted surveys for this species in all likely habitat east and north of the Cabeza Prieta Mountains. No owls were found. The U.S. Fish and Wildlife Service revised the Conference Opinion based on this information and concluded that the actions associated with the Goldwater Range would not likely affect this species.

The U.S. Air Force drafted a Biological Assessment, and its addendums, for military activities associated with the eastern portion of the Goldwater Range. The U.S. Fish and Wildlife Service issued an interim Biological Opinion based on this assessment and addendums. Information from the interim Biological Opinion was used to support the decisions identified in this Record Of Decision.

Conclusion

The Department of the Navy believes that there are no outstanding issues to be resolved with respect to this action. This Record of Decision is being executed with the concurrence of the Secretary of the Air Force who is responsible for administering military activities on the Goldwater Range in accordance with Public Law 99–606.

Dated: September 24, 1998.

Duncan Holaday,

Deputy Assistant Secretary of the Navy (Installations and Facilities).

[FR Doc. 98–26352 Filed 10–1–98; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Agency Information Collection Extensions Submitted to the Office of Management and Budget (OMB) for Approval

AGENCY: Department of Energy.

ACTION: Notice. Comment request.

SUMMARY: The Department of Energy (DOE) has submitted the five information collections which comprise the Legal Information Collection Package to OMB for renewal under the Paperwork Reduction Act of 1995.

These collections cover the intellectual property (patents) area. The information is used by management to exercise oversight of statutory and contractual requirements and obligations covering patents.

DATES AND ADDRESSES: Comments regarding the information collection packages should be submitted to the OMB Desk Officer at the following address no later than November 2, 1998. DOE Desk Officer, Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the OMB Desk Officer of your intention to do so as soon as possible. The Desk Officer may be reached by telephone at (202) 395–3084. (Also, please notify the DOE contact listed in this notice.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Mary Ann Wallace, Records Management Team (HR–41), Department of Energy, Washington, DC 20585, at telephone number (301) 903–4353.