

properties under the Food Security Act, lands protected or restored for conservation purposes under fee title transfers, lands protected by a habitat management agreement with the Service, or habitats protected by programs authorized by the Consolidated Farm and Rural Development Act, and the Food Security Act of 1985. After the wetland restoration agreement has expired, we will not recommend, support, or advocate the preservation of such restored wetlands as compensatory mitigation for habitat losses authorized under the Section 10/404 program, except in limited and exceptional circumstances.

Part 7. What Is the Scope of the Policy?

This policy applies to all lands and waters within the National Wildlife Refuge System considered for use as compensatory mitigation for activities authorized under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The policy does not apply to existing mitigation projects currently being implemented. However, we will review all mitigation agreements currently in effect, and modify them as necessary, to ensure consistency with this policy.

The policy does not apply to public lands administered by other government agencies nor does it apply to private lands. However, the purpose of the policy is to provide guidance to our personnel when they are evaluating proposals for compensatory mitigation regarding a proposed Section 10/404 permit. These proposed permits could be for development actions occurring on either public or private lands.

This policy does not apply to threatened or endangered species. The requirements for threatened and endangered species are covered in the Endangered Species Act of 1973 and accompanying regulations at 50 CFR Parts 17, 402, and 424. Under Section 7 of the Endangered Species Act, as amended, all Federal agencies shall ensure that activities authorized, funded, or carried out by them are not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. Mitigating adverse impacts of a project would not in itself be viewed as satisfactory agency compliance with Section 7. Furthermore, it is clear to the Service that Congress considered the traditional concept of mitigation to be inappropriate for Federal activities impacting listed species or their critical habitat.

Part 8. What Are the Authorities for This Policy?

We are establishing this policy in accordance with the following authorities:

Fish and Wildlife Act of 1956 (16 U.S.C. 742(a)-754). This Act authorizes the development and distribution of fish and wildlife information to the public, the Congress, and the President; and the development of policies and procedures that are necessary and desirable to carry out the laws relating to fish and wildlife.

Fish and Wildlife Coordination Act (16 U.S.C. 661-667(e)). This Act authorizes the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State agencies responsible for fish and wildlife resources to investigate all proposed Federal undertakings and non-Federal actions needing a Federal permit or license which would impound, divert, deepen, or otherwise control or modify a stream or other body of water and to make mitigation and enhancement recommendations to the involved Federal agency.

Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1009). This Act allows the Secretary of the Interior to make surveys, investigation, and “* * * prepare a report with recommendations concerning the conservation and development of wildlife resources on small watershed projects”.

National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347). This Act and its implementing regulations (40 CFR part 1500-1508) requires that Federal agencies, such as the U.S. Fish and Wildlife Service, be notified of all major Federal actions affecting fish and wildlife resources and their views and recommendations solicited. In addition, the Act provides that the Congress authorize and directs that, to the fullest extent possible, all agencies of the Federal Government identify and develop methods and procedures which will ensure that presently unquantified environmental values may be given appropriate consideration in decision making along with economic and technical considerations.

National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee; 80 Stat. 927, as amended). This Act states that the mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of

present and future generations of Americans. The Act requires, among other things, the Secretary of the Interior: to maintain the biological integrity, diversity, and environmental health of the National Wildlife Refuge System; to develop comprehensive conservation plans for National Wildlife Refuges; and not to initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the use has been determined to be compatible.

Part 9. What References Are Cited in This Policy?

Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks, II. E. Long-Term Management, Monitoring, and Remediation (November 28, 1995, 60 FR 58605).

U.S. Fish and Wildlife Service Draft Policy on the National Wildlife Refuge System and Compensatory Mitigation under the Section 10/404 Program; Notice of Draft Policy and request for comments (July 31, 1998, 63 FR 40928-40932).

U.S. Fish and Wildlife Service Mitigation Policy; Notice of Final Policy (January 23, 1981, 46 FR 7644) as corrected.

Dated: March 12, 1999.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 99-23627 Filed 9-9-99; 8:45 am]

BILLING CODE 4310-55-U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-094-09-1920-00-4012: GP9-0303]

Temporary Closure of Public Lands; Lane County, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Temporary closure of public lands in Lane County, Oregon.

SUMMARY: Notice is hereby given that certain public lands in Lane County, Oregon are temporarily closed to all public use, including recreation, parking, camping, shooting, hiking and sightseeing, from September 1, 1999 through October 31, 1999. The closure is made under the authority of 43 CFR 8364.1.

The public lands affected by this temporary closure are specifically identified as follows:

Federal lands located in Section 29, Township 17 South, Range 4 West of the Willamette Meridian, Oregon, more generally described as follows: All

federal lands within the City of Eugene Urban Growth Boundary located in Section 29, Township 17 South, Range 4 West of the Willamette Meridian lying east of Greenhill Road, south of Royal Ave., west of Terry Street and a line running south from the end of Terry Street to the Southern Pacific Railroad tracks, and north of the Southern Pacific Railroad tracks.

Containing approximately 200 acres.

The following persons, operating within the scope of their official duties, are exempt from the provisions of this closure order: Bureau of Eugene, City of Eugene, and Corps of Engineers employees; state, local and federal law enforcement and fire protection personnel; agents for the Cone wetland mitigation sites; the contractor authorized to construct the Lower Amazon Wetland Restoration Project and its subcontractors. Access by additional parties may be allowed, but must be approved in advance in writing by the Authorized Officer.

Any person who fails to comply with the provisions of this closure order may be subject to the penalties provided in 43 CFR 8360.0-7, which include a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months.

The public lands temporarily closed to public use under this order will be posted with signs at points of public access.

The purpose of this temporary closure is to provide for public safety, facilitate construction of the Lower Amazon Wetland Restoration Project facilities, and protection of property and equipment during the mobilization, construction and de-mobilization phases of the Lower Amazon Wetland Restoration construction project.

DATES: This closure is effective from September 1, 1999 through October 31, 1999.

ADDRESSES: Copies of the closure order and maps showing the location of the closed lands are available from the Eugene District Office, P.O. Box 10226 (2890 Chad Drive), Eugene, Oregon 97440.

FOR FURTHER INFORMATION CONTACT: Diane Chung, Coast Range Field Office Manager, Eugene District Office, at (541) 683-6600.

Dated: August 31, 1999.

Dan M. Howells,

Acting Field Manager, Coast Range Resource Area.

[FR Doc. 99-23283 Filed 9-9-99; 8:45 am]

BILLING CODE 4310-33-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-924-1430-01; MTM 13213]

Public Land Order No. 7411; Revocation of Executive Order No. 5327 Dated April 15, 1930; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order in its entirety as to approximately 278,734 acres withdrawn for oil shale classification purposes. The lands were classified and are no longer needed for the purpose for which they were withdrawn. This action will open the public lands to surface entry and nonmetalliferous mining subject to other segregations of record. The lands located within the National Forest will be open to such forms of disposition as may by law be made of National Forest System lands and nonmetalliferous mining. The lands have been and remain open to metalliferous mining and mineral leasing.

EFFECTIVE DATE: October 12, 1999.

FOR FURTHER INFORMATION CONTACT: Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107-6800, 406-255-2949.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Executive Order 5327 dated April 15, 1930, which established the oil shale reserve for classification purposes, is hereby revoked in its entirety. The areas involved aggregate approximately 278,734 acres in Beaverhead County.

2. At 9 a.m., on October 12, 1999, the public lands shall be opened to the operation of the public land laws generally and the National Forest System lands shall be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m., on October 12, 1999, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on October 12, 1999, the lands shall be opened to location and entry under the United States mining laws for nonmetalliferous minerals,

subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of the lands that were classified pursuant to the Executive order stated in paragraph 1 under the general mining laws for nonmetalliferous minerals prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1994), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: August 20, 1999.

John Berry,

Assistant Secretary of the Interior.

[FR Doc. 99-23499 Filed 9-9-99; 8:45 am]

BILLING CODE 4310-DN-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-670-1220]

Recreation Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of a supplementary rule prohibiting shooting except for the lawful pursuit of game, and prohibiting the use of paintball guns in the In-Ko-Pah mountains.

SUMMARY: This notice affects public lands under the administrative responsibility of the Bureau of Land Management, El Centro Field Office. The area includes all public lands within:

San Bernardino Baseline and Meridian

T.18 S., R.9 E.,
Sec. 4, 5, 7, 8, 9.

All public lands in the above listed lands are hereby closed to the use of paintball guns and all shooting, except for the lawful pursuit of game. This prohibition is designed to reduce negative impacts to the natural environment and to minimize public safety concerns. Notices and signs will be posted in the areas restricted and maps detailing the exact locations will be available at the El Centro BLM office. It should be noted that all of the restrictions recommended do not prohibit legitimate hunting activities,