

exposure of the Applicant under Section 9 of the Act. The on-site preservation alternative would preserve 8.2 acres of occupied habitat. This option would not require an ITP, however, the portion of commercially developable property would be reduced from 11 acres to 2.8 acres. In addition, this option would not provide any management for the Florida scrub-jay family currently located on the property. The off-site mitigation alternative would provide funds to the National Fish and Wildlife Foundation Fund for the Conservation of the Florida Scrub-jay to procure suitable Florida scrub-jay habitat in Volusia County, Florida to be managed into perpetuity. This off-site mitigation would also preserve and manage habitat suitable for Eastern indigo snakes to help ensure survival of this species throughout its range. The proposed action alternative is issuance of the ITP with off-site mitigation. The affirmative conservation measures outlined in the HCP to be employed to offset the anticipated level of incidental take to the protected species are the following:

1. To mitigate for the up to 21.6 acres of scrub habitat occupied by Florida scrub-jays that would be eliminated on site, and to mitigate for the loss of 40.6 acres of potential Eastern indigo snake habitat, the applicant will provide funds to the National Fish and Wildlife Foundation in the amount of \$272,160.00 to be spent for procurement of occupied Florida scrub-jay habitat and conservation in Volusia County at a later date. This amount is based on mitigation at a ratio of 2:1 (two acres

purchased for every one acre impacted and land costs of \$5,000 per acre), a \$1,000 per acre management endowment, and an administrative fee of five percent of the total cost for management of the National Fish and Wildlife Foundation Fund for conservation of the Florida scrub-jay. Management of mitigation lands in optimum condition for Florida scrub-jays is assumed by the Service to provide habitat of similar benefit for the Eastern indigo snake. Upon procurement, the mitigation land would first be donated to and subsequently managed by a holding company. After initial habitat restoration, the property would then be conveyed to Volusia County or other acceptable land conservation program, along with a conservation easement, requiring preservation and management for Florida scrub-jays and Eastern indigo snakes into perpetuity.

2. No clearing of scrub vegetation would occur during the nesting season of the Florida scrub jay.

3. The HCP provides a funding mechanism for these mitigation measures.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and HCP.

The Service will also evaluate whether the issuance of a Section 10(a)(1)(B) ITP complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: August 25, 1999.

Cynthia K. Dohner,

Acting Regional Director.

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DEPARTMENT OF INTERIOR

Fish and Wildlife Service

Letters of Authorization To Take Marine Mammals

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of Letters of Authorization to take marine mammals incidental to oil and gas industry activities.

SUMMARY: In accordance with Section 101(a)(5)(A) of the Marine Mammal Protection Act of 1972, as amended, and the U.S. Fish and Wildlife Service implementing regulations (50 CFR 18.27), notice is hereby given that Letters of Authorization to take polar bears and Pacific walrus incidental to oil and gas industry activities have been issued to the following companies:

| Company | Activity | Date issued |
|-----------------------------------|-------------------|------------------|
| BP Exploration (Alaska) Inc | Exploration | July 19, 1999. |
| Exxon Company U.S.A | Exploration | August 5, 1999. |
| Fairweather Incorporated | Development | August 16, 1999. |

FOR FURTHER INFORMATION CONTACT: Ms. Rosa Meehan or Mr. John W. Bridges at the U.S. Fish and Wildlife Service, Marine Mammal Management Office, 1011 East Tudor Road, Anchorage, Alaska 99503, (800) 362-5148 or (907) 786-3800.

SUPPLEMENTARY INFORMATION: All Letters of Authorization were issued in accordance with U.S. Fish and Wildlife Service Federal Rule and Regulations "Marine Mammals; Incidental Take During Specified Activities" [64 FR 4328].

Dated: August 17, 1999.

David B. Allen,

Regional Director.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to approved Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988,

Pub. L. 100-497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment VI to the Tribal-State Compact for Regulation of Class III Gaming Between the Burns-Paiute Tribe and the State of Oregon, which was executed on June 28, 1999.

DATES: This action is effective September 1, 1999.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of