

the Federal Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:**

**Background**

Recovery of endangered or threatened animals or plants is a primary goal of the Service's endangered species program. A species is considered recovered when its status has been improved to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the Act. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for delisting species, and provide estimates of the time and cost for implementing the measures needed for recovery.

The Act requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and the opportunity for public review and comment be provided during recovery plan development. Information presented during the comment period has been considered in the preparation of the approved recovery plan and is summarized in an appendix to the recovery plan. We will forward substantive comments regarding recovery plan implementation to appropriate Federal agencies and other entities so that they can take these comments into account during the course of implementing recovery actions.

Higgins eye pearl mussel is a large river species occupying stable substrates that vary from sand to boulders; it does not occur in firmly packed clay, flocculent silt, organic material, bedrock, concrete or unstable sand. Water velocities should be less than 1 m/s during periods of low discharge. The species is usually found in mussel beds that contain at least 15 other species. The density of all mussels in the bed typically exceeds 10/m<sup>2</sup>. Although zebra mussels are currently the most important threat to *L. higginsii*, construction activities and environmental contaminants may also pose significant threats. This revised plan includes ten Essential Habitat Areas: six in the Mississippi River between river miles 489 and 656; one in the Wisconsin River; and three in the St. Croix River, which empties into the Mississippi River at river mile 811, just downstream of Minneapolis/St. Paul, Minnesota. Higgins eye also occurs elsewhere in the Mississippi River and recently has been reintroduced into several tributaries of the Mississippi

River in which it historically occurred. This revised plan recommends that surveys be conducted in several specific areas to better describe other potentially important habitats.

The objective of the recovery plan is to provide a framework for the recovery of Higgins eye pearl mussel so that protection by the Act is no longer necessary. Higgins eye may be considered for reclassification from Endangered to Threatened when the following occurs: (1) At least five identified Essential Habitat Areas contain reproducing, self-sustaining populations of *L. higginsii* that are not threatened by zebra mussels; (2) a freshwater mussel toxicity database is completed, and specific sediment and water quality parameters in Essential Habitat Areas and reestablishment areas have been characterized; and (3) harvest of freshwater mussels is prohibited by law or regulation in Essential Habitat Areas.

Recovery will be achieved and the species removed from the list of Threatened and Endangered Wildlife (50 CFR part 17) when the following criteria are met: (1) Populations in at least five Essential Habitat Areas are reproducing, self-sustaining, not threatened by zebra mussels, and are sufficiently secure to assure long-term viability of the species; (2) zebra mussels are not present in locations where they or their offspring are likely to adversely affect *L. higginsii* populations in any of the five identified Essential Habitat Areas; (3) the use of double hull barges or other actions have alleviated the threat of spills to each of the identified Essential Habitat Areas; (4) *L. higginsii* habitat information and protective responses to conserve each of the identified Essential Habitat Areas have been incorporated into all applicable spill contingency planning efforts; and (5) harvest of freshwater mussels is prohibited by law or regulation in Essential Habitat Areas. Water quality criteria may be added to the delisting criteria upon completion of the tasks referred to in the reclassification criteria.

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: May 27, 2004.

**Dan Sobieck,**

*Acting Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.*

[FR Doc. 04-15910 Filed 7-13-04; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**U.S. Fish and Wildlife Service and Confederated Salish and Kootenai Tribes Draft Annual Funding Agreement**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) is making available for public review a draft annual funding agreement (draft AFA or draft agreement) with the Confederated Salish and Kootenai Tribes (CSKT) under the Indian Self-Determination and Education Assistance Act, as amended by the Tribal Self-Governance Act of 1994. This action is taken at the discretion of the Service to provide public review opportunity and solicit comments from the public for a 90-day period.

**DATES:** Written comments should be received by October 12, 2004.

**ADDRESSES:** You may submit written comments and information to the U.S. Fish and Wildlife Service, National Bison Range, 132 Bison Range Road, Moiese, Montana 59824 or by facsimile to (406) 644-2661. You may hand-deliver written comments to the National Bison Range at the address given above. You may send comments by electronic mail (e-mail) to [draftafapubliccomments@fws.gov](mailto:draftafapubliccomments@fws.gov). All comments provided become part of the official public record. If requested under the Freedom of Information Act by a private citizen or organization, the Service may provide copies of comments.

You may obtain copies of the draft AFA, by appointment, during normal business hours, from the U.S. Fish and Wildlife Service, National Bison Range, 132 Bison Range Road, Moiese, Montana 59824, (406) 644-2211. In addition, copies may be obtained from U.S. Fish and Wildlife Service Regional Office, Mountain-Prairie Region, National Wildlife Refuge System, P.O. Box 25486, Denver, Colorado 80225-0486, (303) 236-4306, or from the Confederated Salish and Kootenai Tribes, P.O. Box 278, Pablo, Montana 59855, (406) 675-2700. The draft AFA is also available on the Internet at <http://mountain-prairie.fws.gov/cskt-fws-negotiation>.

**FOR FURTHER INFORMATION CONTACT:** Steve Kallin, Refuge Manager, National Bison Range, U.S. Fish and Wildlife Service, (406) 644-2211, extension 204.

**SUPPLEMENTARY INFORMATION:** In spring 2003, the Confederated Salish and

Kootenai Tribes submitted a formal request to reinstate negotiations related to compacting of activities at the National Bison Range and ancillary properties (Northwest Montana Wetland Management District, Pablo and Ninepipe NWRs), pursuant to the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638). In response to this request, negotiations between the CSKT and the Service on an annual funding agreement for that portion of the National Bison Range Complex within the Flathead Indian Reservation began in the summer of 2003.

The Tribal Self-Governance Act of 1994 was enacted as an amendment to Pub. L. 93-638 and incorporated as Title IV of that Act. The Self-Governance Act allows qualifying self-governance tribes the opportunity to request AFAs with the Bureau of Indian Affairs (BIA) and non-BIA agencies within the Department of the Interior. When dealing with non-BIA agencies, including the Service, qualifying tribes may enter into AFAs that would allow them to conduct certain activities of such non-BIA agencies. Eligible activities include Indian programs (programs created for the benefit of Indians because of their status as Indians); activities otherwise available to Indian tribes (any activity that a Federal agency might otherwise contract to outside entities); and activities that have a special geographic, historical, or cultural significance to an Indian tribe.

Pub. L. 93-638 and the regulations that implement the law (25 CFR part 1000.129) prohibit the inclusion of activities in an AFA that are inherently Federal functions. The Refuge has no special Indian programs. All activities of the Service on national wildlife refuges are for the benefit of the fish and wildlife resources, their habitats, and the American public. Activities that may have a special relationship with a tribe are the most promising for inclusion in an AFA. Whether to enter into an agreement with a tribe for these activities is discretionary on the part of the Service. The Service recognizes that many members of the CSKT who live near the National Bison Range have a cultural, historical, or geographical connection to the land and resources of the National Bison Range and, therefore, may feel very much part of these lands. The proposed draft agreement provides for the CSKT to perform certain programs, services, functions, and activities for the National Bison Range Complex during a 1-year period.

Dated: July 6, 2004.

**Matt Hogan,**

*Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc. 04-15859 Filed 7-13-04; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Land Acquisitions; Agua Caliente Band of Cahuilla Indians of California

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Final Agency Determination to take land into trust under 25 CFR Part 151.

**SUMMARY:** The Principal Deputy Assistant Secretary—Indian Affairs made a final agency determination to acquire approximately 1.71 acres of land into trust for the Agua Caliente Band of Cahuilla Indians of California on April 21, 2004. This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1.

**FOR FURTHER INFORMATION CONTACT:** George Skibine, Office of Indian Gaming Management, Bureau of Indian Affairs, MS-4543 MIB, 1849 C Street, NW., Washington, DC 20240; Telephone (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** This notice is published to comply with the requirement of 25 CFR Part 151.12(b) that notice be given to the public of the Secretary's decision to acquire land in trust at least 30 days prior to signatory acceptance of the land into trust. The purpose of the 30-day waiting period in 25 CFR Part 151.12(b) is to afford interested parties the opportunity to seek judicial review of final administrative decisions to take land in trust for Indian tribes and individual Indians before transfer of title to the property occurs. On April 21, 2004, the Principal Deputy Assistant Secretary—Indian Affairs decided to accept approximately 1.71 acres of land into trust for the Agua Caliente Band of Cahuilla Indians of California under the authority of the Indian Reorganization Act of 1934, 25 U.S.C. 465. The 1.71 parcel is located with the exterior boundaries of the Agua Caliente Indian Reservation in Palm Springs, Riverside County, California. The parcel is an existing parking lot which supports the Band's Spa Resort and Casino.

The property is located within the exterior boundaries of the Agua Caliente Indian Reservation in Palm Springs,

Riverside County, California and is described as follows:

A portion of Lot 69 of Section 14, Township 4 South, Range 4 East, San Bernardino Meridian as shown on the supplemental plat showing amended lottings in Section 14, Township 4 South, Range 4 East, San Bernardino Meridian prepared by the United States Department of the Interior, Bureau of Land Management, Washington, DC dated May 27, 1958, also shown as parcel 2 of parcel map No. 15314 recorded in Parcel Map Book 86 at page 100, records of Riverside County, California, described as follows: (*PRO Tab 5*)

Commencing at the Northeast corner of said Lot 69;

Thence North 89°45'04" West along the North line of said Lot 69, a distance of 34.80 feet;

Thence South 00°14'56" West, a distance of 15.00 feet to the true point of beginning.

Thence North 89°45'04" West and parallel to the northerly line of said Lot 69, a distance of 229.20 feet to the westerly line of said Lot 69;

Thence South 00°04'20" East along the westerly line of said Lot 69, a distance of 299.92 feet to the Southwest corner thereof;

Thence South 89°45'00" East along the southerly line of said Lot 69, a distance of 249.11 feet;

Thence North 00°04'35" West and parallel to the East line of said Lot 69, a distance of 280.03 feet to the beginning of a tangent curve concave southwesterly and having a radius of 20.00 feet;

Thence northwesterly along said curve through a central angle of 80°40'29" and a length of 31.30 feet to the true point of beginning.

Also shown as parcel 2 of Parcel Map No. 15314, in the City of Palm Springs, County of Riverside, State of California, on file in Book 86 of parcel maps, page 100, in the Office of the County Recorder of said County.

Dated: April 21, 2004.

**Aurene M. Martin,**

*Principal Deputy Assistant Secretary—Indian Affairs.*

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