

tracts are all contiguous to the Park's northern boundary.

FOR FURTHER INFORMATION CONTACT:

Lauren Mermejo, Natural Resource Specialist at (435) 688-3216.

DATES: Information regarding river values on the specific public land tracts identified in this notice should be submitted on or before March 19, 1998 and sent to Lauren Mermejo, Dixie Resource Area, 345 East Riverside Drive, St. George, Utah 84790.

SUPPLEMENTARY INFORMATION: Federal land management agencies are directed by Section 5(d)(1) of the Wild and Scenic Rivers Act of 1968 to consider the potential for national wild, scenic and recreational river areas in all planning for the use and development of water and related land resources. The Dixie Resource Area is in the final stages of completing a Resource Management Plan for public lands in Washington County. When river segments on three, small, isolated tracts of BLM-managed public land contiguous to Zion National Park were evaluated in the early 1990's as part of the Dixie planning effort, they were determined by BLM not be eligible for further study. These river segments are Willis Creek (T. 38 S., R. 11 W., Sec. 27: SWSW—40 acres affected), Beartrap Canyon (T. 39 S., R. 11 W., Sec. 3: SWNW—40 acres affected), and Goose Creek (T. 39 S., R. 10 W., Sec. 31: NESE, S2SE—120 acres affected). Contiguous river segments within the Park were not evaluated at that time.

Zion National Park is currently preparing a General Management Plan and as part of that effort is conducting a wild and scenic study of river segments within the Park. The Park's study provides a timely, efficient way for BLM and the National Park Service to evaluate the streams throughout their reaches across contiguous Federal lands.

Thus, for purposes of wild and scenic river study only, BLM will serve as a co-lead agency in the development of the General Management Plan for Zion National Park and in the preparation of any associated environmental document. BLM and Zion National Park will cooperate as partners and will strive to reach a joint conclusion as to eligibility, tentative classification, and suitability for each river segment where public lands are involved.

It is recognized that although the BLM-managed river segments identified above may not be eligible for further study when considered on their own, they may be eligible when considered in conjunction with contiguous segments in the Park. Two additional public land parcels at the head of the Middle Fork

of Taylor Creek (T. 38 S., R. 11 W., Sec. 30: SWNW—40 acres), and at the head of Kolob Creek Narrows (T. 39 S., R. 10 W., Sec. 30: portions thereof—80 acres), may also be affected should the streams (that are within the Park) be determined suitable for Congressional designation into the National Wild and Scenic River System. Thus, any river values involving these parcels will also be addressed at this time.

The Dixie Resource Area and Zion National Park have prepared a Memorandum of Understanding regarding this joint planning effort. Wild and scenic evaluations will be made by Zion National Park, the BLM, and other experts in accordance with the interagency guidelines of July 1996 titled "Wild and Scenic River Review in the State of Utah, Process and Criteria for Interagency Use." BLM will prepare its own Record of Decision regarding stream segments that cross or otherwise affect BLM-managed public lands. Such decision will constitute a plan amendment for BLM's Virgin River Management Framework Plan or the Dixie Resource Management Plan, whichever is in effect at the time the decision is made.

Public input is being sought for information regarding river values within the five identified public land tracts. Provide river nominations and information about the existence or lack of free-flowing and outstandingly remarkable values. Information should include detailed maps and descriptions of the river and any significant river-related values.

G. William Lamb,

Utah State Director.

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DEPARTMENT OF THE INTERIOR

National Park Service

Public Notice and Request for Comments

AGENCY: National Park Service, Interior.

SUMMARY: The National Park Service (NPS) administers a number of concession contracts under which private parties are authorized to provide specified visitor service and facilities in areas of the national park system. Many such contracts contain provisions which grant the concessioner a "possessory interest" in authorized capital improvements that they make to park lands in furtherance of their authorized operations. Possessory interest in effect provides the concessioner with a compensable interest in such

improvements in the event it ceases to be authorized to utilize the improvements pursuant to the terms of a concession contract. In such circumstances, concession contracts provide that specified compensation will be paid to the concessioner. Concession contracts vary with respect to the measure of this compensation. This notice describes an NPS proposal as to how it interprets "sound value" possessory interest, one such measure of possessory interest compensation.

In addition, this notice proposes an NPS method for implementation of this interpretation. Public comment is sought on these matters.

DATES: Comments on this notice must be received no later than thirty (30) days after the date of publication of this notice to be assured of consideration.

ADDRESSES: Comments should be sent to: Robert K. Yearout, Program Manager, Concessions Program, National Park Service, 1849 "C" Street, NW., Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: Public Law 89-249, 16 U.S.C. § 20 et seq. (the Act), prescribes policies under which NPS concession contracts are to be administered. Among other matters, the Act discusses possessory interest (16 U.S.C. § 20e) and states as follows in pertinent part as to compensation for possessory interest:

Unless otherwise provided by agreement of the parties, just compensation [for possessory interest] shall be an amount equal to the sound value of such structure, fixture, or improvement [concessioner improvements] at the time of taking by the United States determined upon the basis of reconstruction cost less depreciation evidenced by its condition and prospective serviceability in comparison of a new unit of like kind, but not to exceed fair market value.

The statute does not define the term "reconstruction cost" as used in this section. However, the legislative history of the Act states as follows in pertinent part in this regard:

The Department [of the Interior and the NPS] and the concessioners are agreed that the term reconstruction cost and reproduction cost are synonymous and that the terms have the meaning given on p. 188 of *The Appraisal of Real Estate* [Third Edition, 1960] prepared by the American Institute of Real Estate Appraisers; namely, reproduction cost is the present cost of replacing [the improvements] with as nearly an exact replica as modern materials and equipment will permit.

Many NPS concession contracts provide for "sound value" possessory interest compensation which is generally described as follows in such contracts:

The sound value of any structure, fixture or improvement shall be determined upon the basis of reconstruction cost less depreciation evidenced by its condition and prospective serviceability in comparison with a new unit of like kind, but not to exceed fair market value.

The terms "reconstruction cost" and "fair market value" are not defined in such concession contracts.

In consideration of these matters, NPS proposes to interpret these terms and implement such interpretation in the following manner.

Proposed Interpretation and Implementation

NPS will construe the term "reconstruction cost" as used in NPS concession contracts to be synonymous with the term "reproduction cost" which is defined as follows consistent with the legislative history of the Act:

Reproduction cost of improvements in which an NPS concessioner has a possessory interest is the present cost of replacing the improvements with as nearly an exact replica as modern materials and equipment will permit.

When Sound Value appraisals are prepared for determination of Possessory Interest, appraisers must chose from one or more of the following three methods:

- (1) Quantity Survey
- (2) Unit-in-place (Segregated)
- (3) Comparative Unit

A description of each method may be found in *The Appraisal of Real Estate* [11th Edition] from the Appraisal Institute.

NPS will construe the term "fair market value" as follows and as based on *The Appraisal of Real Estate* [Third Edition, 1960] prepared by the American Institute of Real Estate Appraisers, as previously identified and cited from the legislative history of the Act:

The most probable price, as of a specific date, in cash, or in terms equivalent to cash, or in other precisely revealed terms for which the property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.

In circumstances where NPS considers it necessary, it will undertake formal appraisals of improvements in which an NPS concessioner has a sound value possessory interest. In making such appraisals, it will utilize or cause its appraiser to utilize these preceding definitions in arriving at the appraised value of such possessory interest. NPS standard possessory interest appraisal

instructions shall incorporate these definitions.

The NPS may choose to consider, based on professional and knowledgeable analysis, that in some circumstances a less than formal appraisal value may be needed for internal purposes. In those instances, NPS appraisers may provide estimates of value which will clearly disclose that said estimates do NOT conform to appraisal standards and are subject to change based on execution of a formal appraisal.

Dated: January 29, 1998.

Robert K. Yearout,

Concession Program Manager.

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DEPARTMENT OF THE INTERIOR

National Park Service

Draft Supplement to the Final Environmental Impact Statement/ Resources Management Plan for Improvement of Water Quality and Conservation of Rare Species and Their Habitats on Santa Rosa Island, Channel Islands National Park

Notice of Availability

SUMMARY: Pursuant to § 102(2)(c) of the National Environmental Policy Act of 1969 (P.L. 91-190, as amended), the National Park Service, Department of the Interior, has prepared a Draft Supplement to the Final Environmental Impact Statement/Resources Management Plan for improving water quality and conserving rare species and their habitats on Santa Rosa Island. Upon completion of the current conservation planning and impact analysis process, a new Record of Decision will be prepared which will supercede the previous decision concerning this stewardship initiative.

Background

In August, 1995, the National Park Service (NPS) began developing a resources management plan for Santa Rosa Island, in order to address impacts from ongoing commercial ranching and hunt operations on water quality, riparian values, and rare plant species and their habitats ("rare" species includes those formally listed as threatened or endangered per the Endangered Species Act and those identified by NPS as species of concern). In May, 1996 the NPS completed and distributed for public review a draft environmental impact statement for this resources management plan (DEIS/RMP). During a

125-day public review period, the NPS received over 240 comments. The DEIS/RMP was subsequently revised to address all substantive comments, and a Final EIS/RMP (FEIS/RMP) was released in April, 1997. In a Record of Decision (ROD) signed June 9, 1997, the NPS stated that it would implement actions identified in the FEIS/RMP as the Proposed Action, Alternative D, Revised Conservation Strategy.

This Draft Supplement to the FEIS/RMP introduces a new alternative now being evaluated by the NPS for guiding future stewardship activities on Santa Rosa Island. This new alternative, Alternative F, Negotiated Settlement, is briefly described below and results from recent negotiations among Vail & Vickers, the National Parks and Conservation Association, and the NPS. These negotiations were convened to resolve two lawsuits which were filed against the NPS during the previous conservation planning and impact analysis process.

Although many elements of the negotiated Alternative F are similar to the previously selected Alternative D, there are some differences. This new alternative specifies actions to: (1) improve water quality in surface streams and protect riparian habitat areas, and (2) promote conservation and recovery of rare species of plants and animals, as well as habitats upon which they depend. The NPS encourages public review of Alternative F, and desires comment on any of the alternatives. Accordingly, NPS is distributing this Draft Supplement for consideration by all interested public agencies, organizations and groups, businesses, and individuals for a 60-day public comment period. After assessing all comments which may be received, the NPS will prepare and distribute a Final Supplement to the FEIS/RMP and subsequently prepare a new ROD.

New Proposed Action

Under Alternative F, Negotiated Settlement (the new proposed action), water quality and riparian values would be improved and rare plants and their habitats would be conserved by rapid removal of cattle and phased removal of deer and elk from Santa Rosa Island. With the exception of 12 head in Lobo Pasture, all cattle would be removed from the island by the end of 1998. Deer and elk would be removed by the end of 2011, although they could be removed earlier if necessary to achieve recovery goals for selected listed species and their habitats. After an initial reduction in deer and elk, an adaptive management program for deer and elk would be implemented. Under adaptive