

priorities that require extensive work to complete.

Issuance of a new proposed listing is the first formal step in the regulatory process for listing a species. It provides some protection in that all Federal agencies must "confer" with us on actions that are likely to jeopardize the continued existence of proposed species. The resolution of a candidate species' conservation status will be accomplished through the publication of new proposed rules or the processing of candidate removal forms (which, when signed by the Director, remove species from the candidate list). Candidate species include species petitioned for listing, for which we have made a warranted but precluded finding pursuant to section 4(b)(3)(B)(iii) of the Act.

Priority 4—Processing Administrative Findings on Petitions to Add Species to the Lists and Petitions to Reclassify Species

The processing of 90-day petition findings and 12-month petition findings to add species to the lists or reclassify species will be Priority 4 activities. Once a 90-day petition finding is published, we will make every reasonable effort to complete the 12-month finding in the appropriate time frame. When it is practicable for us to complete a 90-day finding within 90 days, we are statutorily afforded a 12-month period from the receipt of a petition to completion of the 12-month finding. However, in those cases in which it is not practicable for us to complete a 90-day finding within 90 days of receipt of the petition, after the 90-day finding is completed, we will require 9 months to complete a thorough biological status review and issue a 12-month finding.

Allocating Listing Resources Among Regions

We allocate the listing appropriation among our seven Regions based strictly on the number of proposed and candidate species for which the Region has lead responsibility, with the exception of providing minimum "capability funding" for each Region. The objective is to ensure that those areas of the country with the largest percentage of known imperiled species will receive a correspondingly high level of listing resources. Our experience in administering the Act for the past twenty five years has shown, however, that we need to maintain at least a minimal listing program in each Region in order to respond to emergencies and to retain a level of expertise that permits the overall

program to function effectively over the longer term, thus the "capability funding" to each Region. In the past, when faced with seriously uneven workloads, we have experimented with reassigning workloads from heavily burdened Regions to less burdened Regions. This approach has proven to be very inefficient because the expertise developed by a biologist who works on a species' listing is useful in recovery planning and other conservation activities for that species. Additionally, biologists in a Region are familiar with other species in that Region that interact with the species proposed for listing, and that knowledge is useful in processing a final decision. For these reasons, we have found it unwise to reassign one Region's workload to personnel in another Region. Because we must maintain a listing program in each Region, Regions with few outstanding proposed listings may be able to address more lower priority listing actions, while Regions with many outstanding proposed listings will use most of their allocated funds on Priority 2 actions (finalizing proposed listings) or Priority 3 actions (completing new proposals to add species to the lists). It is the responsibility of individual Regions to recognize their workloads and backlogs and undertake priorities (1–4) as their regional workloads permit. We will provide critical habitat funding on a project-by-project basis in FY 2000.

Addressing Matters in Litigation

The numerous statutory responsibilities we bear under the Act do not come with an unlimited budget. We are sometimes required to make difficult choices about how to prioritize carrying out those statutory responsibilities in order to make the best use of our limited resources. Under these circumstances, technical compliance with the various sections of the Act with respect to one species can mean failure to comply with the other technical requirements of the Act for the same or another species. This guidance is part of a continuing effort to strive to achieve compliance with the Act in the manner that best fulfills the spirit of the Act, using our best scientific expertise.

Individuals or organizations occasionally bring suit against us for failing to carry out specific actions with regard to specific species. Many of these suits question our judgment and priorities, and seek compliance with the Act in circumstances that do not, in our judgment, lead to the best use of our resources to provide the maximum conservation benefit to all species. In many of the outstanding section 4

matters currently in litigation, the effect of what the plaintiff seeks is to require us to postpone or sacrifice conservation actions that we believe would have major conservation benefits in favor of actions that we believe would have lesser conservation benefits.

In no case will we adjust our biological priorities to reflect the threat of litigation. We have sought and will continue to seek from the courts recognition of our need to allocate our limited listing budget so as to best fulfill the spirit of the Act. We will, of course, comply with all court orders.

National Environmental Policy Act

We do not consider the implementation of this guidance to be a major Federal action significantly affecting the quality of the human environment for the purposes of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). Further, the Department of the Interior's Departmental Manual (DM) categorically excludes from consideration under NEPA, "Policies, directives, regulations, and guidelines of an administrative, financial, legal, technical, or procedural nature or the environmental effects of which are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case." This guidance clearly qualifies as an administrative matter under this exclusion. We also believe that the exceptions to categorical exclusions (DM 2 Appendix 2) would not be applicable to such a decision, especially in light of environmental effects for such action.

Authority

The authority for this notice is the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

Dated: September 15, 1999.

Marshall P. Jones,

Acting Director,

U.S. Fish and Wildlife Service.

[FR Doc. 99-27689 Filed 10-21-99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-(962)-4230-15]

Alaska; Notice for Publication, F-14908-B, Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is

hereby given that the decision to issue conveyance (DIC) to Sitnasuak Native Corporation, notice of which was published in the **Federal Register**, on September 22, 1998, is modified.

A notice of the modified DIC will be published once a week, for four (4) consecutive weeks, in the Nome Nugget. Copies of the modified DIC may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599.

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government, or regional corporation, shall have until November 22, 1999 to file an appeal on the issues in the modified DIC. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR P

art 4, Subpart E, shall be deemed to have waived their rights.

Except as modified, the decision, notice of which was given September 22, 1998, is final.

Jane Miller,

Land Law Examiner, Branch of ANCSA Adjudication.

[FR Doc. 99-27632 Filed 10-21-99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

DEPARTMENT OF AGRICULTURE

Bureau of Land Management

Forest Service

[MT-060-08-1220-00, 1617P]

Notice of Availability of the Draft Off-Highway Vehicle Environmental Impact Statement and Plan Amendment

AGENCY: Bureau of Land Management, Interior and Forest Service, Agriculture.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) and Forest Service (FS) have prepared a Draft Off-Highway Vehicle Environmental Impact Statement (EIS) and Plan Amendment. The Draft EIS/Plan Amendment describes the analysis completed on the proposed management changes in off-highway vehicle (OHV) use on public lands administered by the BLM and FS,

Northern Region, in Montana, North Dakota, and portions of South Dakota. Five alternatives, including a No Action Alternative, were developed to meet the purpose and need of the project and respond to significant issues. The purpose and need are to address the impacts of OHV travel on open areas that are currently available to motorized cross-country travel. The No Action Alternative would maintain current management. Areas currently open yearlong or seasonally to cross-country travel would remain open. Alternatives 1 and 2 would restrict motorized cross-country travel yearlong. Alternative 3 would restrict motorized cross-country travel yearlong in North Dakota, most of Montana, and portions of South Dakota. Alternative 4 would limit motorized cross-country travel seasonally.

DATES: The comment period on the Draft EIS/Plan Amendment will end 90 days from the date the Environmental Agency publishes the notice of availability in the **Federal Register**. The expected end of the comment period is February 3, 2000. Open houses on the Draft EIS/Plan Amendment will be held in communities in Montana, North Dakota, and South Dakota during the review period. The locations for the open houses are listed below but also look for an article in your local paper because locations, dates and/or time may change.

Date	Location	Time (p.m.)	Place
November 15	Lemmon, SD	2:00-6:00	To be determined.
November 16	Buffalo, SD	2:00-6:00	Harding County Jury/Court Room.
November 16	Hamilton, MT	4:00-8:00	To be determined.
November 16	Libby, MT	4:00-9:00	Libby City Hall, Ponderosa Room.
November 17	Pierre, SD	2:00-6:00	RAMKOTA.
November 17	Kalispell, MT	5:00-8:00	Outlaw Inn.
November 17	Trout Creek, MT	1:00-4:00	U.S. Forest Service.
November 18	Belle Fourche, SD	2:00-6:00	BLM Office.
November 18	Eureka, MT	6:00-9:00	Lincoln Co. Electric.
November 18	Lewistown, MT	4:00-7:00	BLM Office, Airport Road.
November 19	Ekalaka, MT	2:00-6:00	Carter Country Jury/Court Room.
November 22	Great Falls, MT	4:00-7:00	BLM/FS Office, 1101 15th Street North.
November 22	Bozeman, MT	4:00-8:00	Gallatin Co Courthouse, 311 West Main.
November 29	Bowman, ND	4:00-8:00	To be determined.
November 30	Dickinson, ND	4:00-8:00	BLM Office, 2933 Third Avenue West.
November 30	Billings, MT	4:00-8:00	BLM Office, 5001 Southgate Drive.
November 30	Miles City, MT	5:00-7:00	BLM Office, 111 Garryowen Road.
December 1	Bismarck, ND	4:00-8:00	U.S. Forest Service, 240 West Century.
December 1	Red Lodge, MT	4:00-8:00	U.S. Forest Service.
December 1	Colstrip, MT	5:00-7:00	Bicentennial Library, 415 Willow Avenue.
December 2	Watford City, ND	4:00-8:00	To be determined.
December 2	Lincoln, MT	4:00-8:00	Lincoln Community Hall.
December 2	Glendive, MT	5:00-7:00	Glendive Medical Center, Carney Conference Room #2.
December 3	Rapid City, SD	3:00-7:00	West River Research & Ag. Crt., 1905 Plaza Blvd.
December 6	Townsend, MT	4:00-8:00	Townsend Library.
December 7	Missoula, MT	4:00-8:00	Boone and Crocket Club.
December 7	Malta, MT	4:00-7:00	BLM Office.
December 7	Havre, MT	4:00-7:00	BLM Office.
December 7	Broadus, MT	5:00-7:00	Powder River County Courthouse, Election Rm.
December 8	Helena, MT	4:00-8:00	U.S. Forest Service, 2880 Skyway Drive.
December 8	Glasgow, MT	4:00-7:00	BLM Office.
December 9	Dillon, MT	4:00-8:00	U.S. Forest Service, 420 Barrett Street.