

from the other mystery spills. These other mystery spills impacted similar species in the same area as the Incident. Consequently, the Trustees now consider all of these incidents to be related. While the injury assessment of these spills has been separate, the Trustees plan to prepare a single draft Restoration Plan to address the natural resource injuries from all of them.

#### **Trustees' Determinations of Jurisdiction and to Conduct Restoration Planning**

The Trustees have made the following determinations pursuant to 15 CFR 990.41 and 990.42.

1. Beginning on or about November 16, 1997, at Point Reyes National Seashore, Marin County, California, petroleum tarballs began washing ashore near Drakes Beach, Limantour Beach, Bolinas, and other beaches. These occurrences constituted an "Incident" within the meaning of 15 CFR 990.30. The Incident is also a spill or discharge as defined at California Government Code 8670.49

2. The Incident was not permitted under a permit issued under federal, state, or local law: was not from a public vessel; and was not from an offshore facility subject to the Trans-Alaska Pipeline Authority Act, 43 U.S.C. 1651 *et seq.*

3. Oil discharged during the Incident adversely affected marine habitats and seabirds. Consequently, natural resources under the trusteeship of the Trustees have been injured as a result of the Incident.

4. Response actions did not adequately address the injuries resulting from the Incident.

5. Feasible primary and/or compensatory restoration actions exist to address the resource injuries. The Trustees will be considering restoration projects that are feasible to implement, focusing on projects that benefit seabirds.

6. As a result of the foregoing determinations, the Trustees have concluded that there is jurisdiction to pursue restoration under the Federal Oil Pollution Act (OPA), 33 U.S.C. 2702 and 2706, and under California's Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, Government Code Sections 8670.1 *et seq.*

#### **Administrative Record**

The Trustees have opened an Administrative Record (Record) in compliance with 15 CFR 990.45. The Record includes documents relied upon by the Trustees during the assessment performed in conjunction with the incident.

A copy of the Record is located at the Gulf of the Farallones National Marine Sanctuary, Ft. Mason, Building 201, San Francisco, CA 94123. Arrangements may be made to review it by contacting Jan Roletto at that address or by calling her at 415-561-6622.

A copy of the Record is also located at California's Department of Fish & Game's Office of Spill Prevention and Response, 1700 K Street, Suite 250, Sacramento, CA 95814. Arrangements may be made to review it by contacting Dr. Steve Hampton at that address or by calling him at 916-323-4724.

#### **Public Involvement**

Pursuant to 15 CFR 990.14(d), the Trustees seek public involvement in restoration planning for this Incident through public review of, and comment on, documents contained in the Administrative Record, as well as on a draft Restoration Plan ("RP"), when it has been prepared. The Trustees presently intend to prepare, and seek public comment on, a comprehensive draft RP which addresses the natural resource injuries resulting from this Incident, from the Luckenbach discharges, and from the other mystery spills described above.

Dated: October 2, 2003.

**Michael A. Soukup,**

*Associate Director, Natural Resource Stewardship and Science.*

[FR Doc. 04-136 Filed 1-5-04; 8:45 am]

**BILLING CODE 4312-FW-P**

## **DEPARTMENT OF THE INTERIOR**

### **National Park Service**

#### **Intent to Conduct Restoration Planning, S.S. Jacob Luckenbach, San Francisco, CA**

**AGENCIES:** The National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management, of U.S. Department of the Interior; National Oceanic and Atmospheric Administration, Department of Commerce; State of California Department of Fish and Game, Office of Spill Prevention and Response.

**ACTION:** Notice of intent to conduct restoration planning.

**SUMMARY:** Pursuant to section 1006 of the Oil Pollution Act (OPA), 33 U.S.C. 2701 *et seq.*, designated Federal and State trustees for natural resources are authorized to assess natural resource damages resulting from oil spills into navigable waters and develop and implement a plan for restoration. The Federal and State trustees for natural

resources for this incident include the United States Department of the Interior (DOI), acting through the U.S. Fish and Wildlife Service (FWS) on behalf of the Bureau of Land Management (BLM) and the National Park Service (NPS); the U.S. Department of Commerce (DOC), acting through the National Oceanic and Atmospheric Administration (NOAA); and the California Department of Fish and Game (CDFG), acting through its Office of Spill Prevention and Response (OSPR) (hereafter collectively referred to as "the natural resource trustees" or "the trustees"). Section 990.44 of the Natural Resource Damage Assessment ("NRDA") Regulations under OPA, 15 CFR part 990, provides for the natural resource trustees to prepare a notice of intent to conduct restoration planning if certain requirements are met and they decide to proceed with a natural resource damage assessment.

Pursuant to section 990.44 of the OPA-NRDA Regulations, the natural resource trustees announce their intent to proceed with restoration planning actions to address injuries to natural resources along the central California coastal area caused by the chronic discharge of oil from the incident. The purpose of this restoration planning effort is to further evaluate injuries to natural resources and services and use that information to determine the need for and type and scale of restoration actions.

Since the incident, the trustees' have initiated a number of preassessment data collection activities. The data demonstrate that natural resource injuries to seabirds and wildlife, and other natural resources have occurred. The trustees have implemented or are developing studies to assess the extent of these injuries.

**FOR FURTHER INFORMATION CONTACT:** Jim Haas, U.S. Fish and Wildlife Service, 2800 Cottage Way, W-2605, Sacramento, California 95825. (916) 414-9740.

**SUPPLEMENTARY INFORMATION:** On July 14, 1953, the *S.S. Jacob Luckenbach*, owned by the Luckenbach Steamship Company, sank as a result of a collision with the *S.S. Hawaiian Pilot*, owned by the Matson Navigation Company. The *Luckenbach* is a 468-foot freight ship that sank approximately 17 miles southwest of the Golden Gate Bridge. The vessel now rests in 175 feet of water in the Gulf of the Farallones National Marine Sanctuary.

On November 23, 2001, oiled seabirds and tarballs began washing ashore primarily along the San Mateo County coastline. The U.S. Coast Guard and California Department of Fish and Game

responded to the incident by implementing beach surveys to recover oiled birds and activating the oiled wildlife care network. Concurrently, chemical analyses of oiled feathers were conducted and compared to known oil samples in an attempt to identify the source of the oil. Samples of oil from feathers collected from November 25, 2001, through January 4, 2002, matched historical samples taken from similar mystery incidents in 1992–93, 1997–98 (also referred to as the Point Reyes tarball incident), 1999, and February 2001. Those samples were, in turn, matched to oil samples from the *S.S. Jacob Luckenbach*.

The U.S. Coast Guard's Marine Safety Office San Francisco Bay, the California Department of Fish and Game Office of Spill Prevention and Response (OSPR) and Titan Maritime, Inc. have completed oil removal operations from the *Luckenbach*. Several representatives from the trustee agencies formed a task force to advise the responders concerning the resources that were at risk from the proposed salvage operations.

The Federal trustees for this incident are the United States Department of the Interior (DOI), including the Bureau of Land Management (BLM), the National Park Service (NPS), and the U.S. Fish and Wildlife Service (FWS); the U.S. Department of Commerce (DOC), acting through the National Oceanic and Atmospheric Administration (NOAA). The Federal trustees are designated pursuant to the National Contingency Plan (40 CFR 300.600 and 300.605). The State trustee for this incident is the California Department of Fish and Game (CDFG) acting through its Office of Spill Prevention and Response (OSPR) under California's Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, Government Code sections 8670.1 *et seq.*

The U.S. Coast Guard National Pollution Funds Center (NPFC) approved a funding request submitted by the trustees to initiate natural resource damage assessment activities for the incident. The trustees' initiation activities focused on the elements necessary to make a determination to conduct restoration planning and establish an administrative record. In addition, ephemeral data collection was implemented to evaluate the completeness of beach survey forms and monitor post-breeding movements of the Santa Cruz Mountains population of the endangered marbled murrelet, a seabird that breeds in old growth forests along the Pacific coast. Because the trustees are still analyzing the results of these studies, the information is not yet

available. However, the trustees have sufficient information to make a determination to conduct restoration planning.

**Administrative Record:** The trustees have opened an administrative record (record) in compliance with 15 CFR 990.45. The record will include documents relied upon by the trustees during the assessment performed in conjunction with the incident.

The record is located at California's Department of Fish & Games Office of Spill Prevention and Response, 1700 K Street, Suite 250, Sacramento, CA 95814. Arrangements may be made to review the record by contacting Dr. Steve Hampton at California's Department of Fish & Games Office of Spill Prevention and Response, 1700 K Street, Suite 250, Sacramento, CA 95814 or by calling him at 916–323–4724.

A copy of the record is also located at the Gulf of the Farallones National Marine Sanctuary, Ft. Mason, Building 201, San Francisco, CA 94123. Arrangements may be made to review it by contacting Jan Roletto at that address or by calling her at 415–561–6622.

#### Trustees' Determinations of Jurisdiction

The trustees have made the following determinations pursuant to 15 CFR 990.41 and 990.42.

1. Beginning on or about November 23, 2001, oiled sea birds began washing ashore primarily along the San Mateo County coastline. This occurrence resulted from the discharge of oil from the sunken vessel, the *S.S. Jacob Luckenbach*. This discharge was an incident as defined at 15 CFR 990.30. In addition, oil samples from the *Luckenbach* match oil samples collected during oil spill events in the San Francisco Bay area in 1992–93, 1997–98 (sometimes referred to as the Point Reyes tarball incident) and two smaller events in 1999 and 2001, and for which a source had not previously been identified.

2. The incident was not permitted under a permit issued under Federal, State, or local law: was not from a public vessel; and was not from an offshore facility subject to the Trans-Alaska Pipeline Authority Act, 43 U.S.C. 1651 *et seq.*

3. Oil discharged during the incident affected marine habitats, wildlife, and human uses in the area. Consequently, natural resources under the trusteeship of the trustees have been injured as a result of the incident.

4. As a result of the foregoing determinations, the trustees have jurisdiction to pursue restoration under the Federal Oil Pollution Act (OPA), 33 U.S.C. 2701–2761, and California's

Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, Government Code sections 8670.1 *et seq.*

#### Trustees' Determination To Conduct Restoration Activities

For reasons discussed below, the trustees have made the determinations required by 15 CFR 990.42(a) and are proceeding with restoration planning to develop restoration alternatives that will restore, rehabilitate, or acquire the equivalent of natural resources injured and/or natural resource services lost as a result of this incident.

1. Injuries have resulted from this incident. Data collected and analyzed pursuant to 15 CFR 990.43 demonstrate that injuries to natural resources are likely to have resulted from the incident, including, but not limited to sea birds and wildlife.

2. Response actions have not adequately addressed the injuries resulting from the incident. Although response actions were initiated promptly and conducted appropriately, the nature of discharge and the sensitivity of the environment precluded prevention of injuries to some natural resources.

3. Feasible primary and/or compensatory restoration actions exist to address the potential injuries. The trustees will be considering restoration projects that are feasible to implement. The trustees will be considering restoration projects that are feasible to implement, focusing on projects that benefit seabirds.

Based on the above findings, the trustees hereby determine that they have jurisdiction to pursue restoration pursuant to the Oil Pollution Act, 33 U.S.C. 2702 and 2706 and California's Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, Government Code sections 8670.1 *et seq.*

The public will be given an opportunity for public review and comment on documents contained in the administrative record and on the draft RP/EA when it has been prepared. The trustees intend to prepare, and seek public comment on, a comprehensive draft RP/EA which addresses the natural resource injuries resulting from this incident, from the Point Reyes tarball incident, and from the other mystery spills described above. The trustees will notify the public when the draft RP/EA is released.

Dated: October 30, 2003.

**Abigail Miller,**

*Deputy Associate Director, Natural Resource Stewardship and Science.*

[FR Doc. 04-137 Filed 1-5-04; 8:45 am]

BILLING CODE 4310-70-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Acadia National Park, Bar Harbor, Maine; Acadia National Park Advisory Commission; Notice of Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. 1, Sec. 10), that the Acadia National Park Advisory Commission will hold a meeting on Monday, February 2, 2004.

The Commission was established pursuant to Public Law 99-420, Sec. 103. The purpose of the commission is to consult with the Secretary of the Interior, or his designee, on matters relating to the management and development of the park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meeting will convene at park Headquarters, McFarland Hill, Bar Harbor, Maine, at 1 p.m. to consider the following agenda:

1. Review and approval of minutes from the meeting held September 8, 2003
2. Committee reports:
  - Land Conservation
  - Park Use
  - Science
3. Old business
4. Superintendent's report
5. Public comments
6. Proposed agenda for next Commission meeting, June 7, 2004

The meeting is open to the public. Interested persons may make oral/ written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, PO Box 177, Bar Harbor, Maine 04609, tel: (207) 288-3338.

Dated: November 25, 2003.

**Sheridan Steele,**

*Superintendent, Acadia National Park.*

[FR Doc. 04-138 Filed 1-5-04; 8:45 am]

BILLING CODE 4310-2N-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Cape Cod National Seashore, South Wellfleet, MA; Cape Cod National Seashore Advisory Commission; Two Hundred Forty-Fifth; Notice of Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on January 26, 2004.

The Commission was reestablished pursuant to Public Law 87-126 as amended by Public Law 105-280. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 1 p.m. at Headquarters, Marconi Station, Wellfleet, MA for the regular business meeting to discuss the following:

1. Adoption of Agenda
2. Approval of minutes of previous meeting (November 24, 2003)
3. Reports of Officers
4. Reports of Subcommittees
5. Superintendent's Report
  - Zoning Update
  - Transportation
  - Hunting Program
  - Highlands Center
  - Eastham Town Beach
  - Prescribed Burns
  - Cape Corps
  - News from Washington
6. Old Business
7. New Business
  - Commercial Certificates of Suspension of Condemnation
8. Date and agenda for next meeting
9. Public comment and
10. Adjournment

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members.

Interested persons may make oral/ written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

Dated: December 8, 2003.

**Maria Burks,**

*Superintendent.*

[FR Doc. 04-135 Filed 1-5-04; 8:45 am]

BILLING CODE 4310-WV-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **National Register of Historic Places; Notification of Pending Nominations**

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 13, 2003. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington DC 20005; or by fax, 202-371-6447. Written or faxed comments should be submitted by January 21, 2004.

**Patrick W. Andrus,**

*Acting, Keeper of the National Register of Historic Places.*

### ARIZONA

#### **Yavapai County**

West Prescott Historic District (Boundary Increase II), 617-621 Glenwood Ave., 330,334,340,344 and 348 Moreland Circle, Prescott, 03001449

### ARKANSAS

#### **Boone County**

Barham, Elliott and Anna, House, 4085 West St., Zinc, 03001453

#### **Bradley County**

Mt. Olive Rosenwald School, Bradley Rd. 45, Mt. Olive, 03001454  
Warren Post Office, 236 S. Main St. (US 63B), Warren, 03001460

#### **Clark County**

Arkansas 51, Old, Curtis to Gum Springs, (Arkansas Highway History and Architecture MPS) W of U.S. 67, starting approx. 0.5 mi. S of jct. of U.S. 67 and Curtis Cemetery Rd., and ending at the AR 26 and U.S. 67, Curtis, 03001457  
Biscoe, Nannie Gresham, House, 227 Cherry St., Arkadelphia, 03001450  
Rosedale Plantation Barn, 879 Old Military Rd., Arkadelphia, 03001451

#### **Dallas County**

Dallas County Training School High School Building, 934 Center St., Fordyce, 03001455