

The public comment period will be on January 18 at 3 p.m.

**SUPPLEMENTAL INFORMATION:** The purpose of the council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of the public lands.

**FOR FURTHER INFORMATION:** Lorraine Buck, Public Affairs Specialist, Las Vegas District, telephone: (702) 647-5000.

Michael F. Dwyer,  
District Manager.

[FR Doc. 95-30706 Filed 12-18-95; 8:45 am]

BILLING CODE 4310-HC-M

[ES-020-4210-01; FL-ES-047709]

**Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Florida**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The following public lands in Pinellas County, Florida have been examined and found suitable for classification for conveyance to the Board of Trustees of the Internal Improvement Trust Funds of the State of Florida under the provisions of the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869 *et seq.* The Board of Trustees proposes to use the lands as part of the Anclote Key State Preserve.

Tallahassee Meridian, Florida

T. 27 S., R. 15 E.,  
Sec. 1, Part of Lot 1.

Containing 0.17 acres more or less.

The lands are not needed for Federal purposes. Conveyance is consistent with current BLM land use planning and would be in the public interest. The patent, when issued, will be subject to the following terms, conditions and reservations;

1. Provisions of the Recreation and Public Purposes Act and all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove materials.

4. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, 411 Briarwood Drive, Suite 404, Jackson, Mississippi 39206. Upon publication of this notice in the Federal Register, the lands will be segregated from all other forms of appropriation under the public land laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

**DATES:** For a period on or before February 2, 1996, interested persons may submit comments regarding the proposed conveyance of the lands to the District Manager, Jackson District Office, 411 Briarwood Drive, Suite 404, Jackson, Mississippi 39206.

**CLASSIFICATION COMMENTS:** Interested parties may submit comments involving the suitability of lands for a recreational area.

Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with the local planning and zoning, or if the use is consistent with the State and Federal programs.

**APPLICATION COMMENTS:** Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for recreational purposes.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** Mary Weaver, Realty Specialist, Bureau of Land Management, 411 Briarwood Drive, Suite 404, Jackson, Mississippi 39206. Detailed information concerning this action is also available for review.

Dated: December 13, 1995.  
Sammy St. Clair,  
Acting District Manager.  
[FR Doc. 95-30739 Filed 12-18-95; 8:45 am]  
BILLING CODE 4310-84-M

**Fish and Wildlife Service**

**Endangered and Threatened Species Permit Applications**

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

**ACTION:** Notice of receipt of applications.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

PRT-809224

*Applicant:* U.S. Department of Energy, Portsmouth Site Office, Piketon, Ohio.

The applicant requests a permit to take (capture and release) Indiana Bats (*Myotis sodalis*) within the DOE PORTS reservation boundary to determine presence or absence of the species. Data will be used to assess impacts when designing projects on the reservation.

PRT-809227

*Applicant:* Dr. Virgil Brack, 3D/Environmental, Cincinnati, Ohio.

The applicant requests a permit to take (capture and release, handle, radio-tag) Indiana Bats (*Myotis sodalis*) and Gray Bats (*Myotis grisescens*) in Ohio, Indiana, Illinois, Iowa, Michigan, and Missouri. Permit is sought for activities proposed to document presence/absence, habitat use, monitor populations, and evaluate effects of industrial, commercial, and military activities on the species.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Division of Endangered Species, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Endangered Species, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056. Telephone (612/725-3536, x250); FAX: (612/725-3526).

Dated: December 11, 1995.

John A. Blankenship,  
Assistant Regional Director, Ecological Services, Region 3, Fish and Wildlife Service, Fort Snelling, Minnesota.

[FR Doc. 95-3070 Filed 12-18-95; 8:45 am]

BILLING CODE 4310-55-M

**Notice of Record of Decision on the Final Environmental Impact Statement on the Silvio O. Conte National Fish and Wildlife Refuge**

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the Council on Environmental Quality Regulations (40 CFR part 1505) for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), the Fish and Wildlife Service (Service) issues this Record of Decision upon the Final Environmental Impact Statement (FEIS) for the Silvio O. Conte National Fish and Wildlife Refuge. The Service evaluated and considered a range of alternatives on how to implement the Silvio O. Conte National Refuge Act, as presented in the FEIS. The Service also reviewed and considered public and agency comments. Based on that evaluation and review the Service has selected for implementation the Revised Proposed Action described in the FEIS. This determination was based on a thorough analysis of the environmental, social, economic, and other essential considerations.

**ADDRESSES:** Copies of this Record of Decision and supporting documentation are available for public inspection upon request at the Silvio O. Conte National Fish and Wildlife Refuge, 38 Avenue A, Turners Falls, Massachusetts, 01376.

**FOR FURTHER INFORMATION CONTACT:** Larry Bandolin, Project Leader of the Silvio O. Conte National Fish and Wildlife Refuge at the address given above, telephone 413/863-0209.

**SUPPLEMENTARY INFORMATION:**

**Background**

The proposed action is designed to provide guidance for the establishment and operation of the Silvio O. Conte National Fish and Wildlife Refuge for a period of fifteen years. Shortly before his death, Silvio O. Conte, a 30 plus year member of Congress and conservationist, introduced legislation authorizing a national fish and wildlife refuge within the four state Connecticut River watershed. The watershed is contained within the states of New Hampshire, Vermont, Massachusetts, and Connecticut. After his death the Congress renamed the Act in his honor, the Silvio O. Conte National Fish and Wildlife Refuge Act.

The purposes of the Conte Refuge as stated in the Conte Refuge Act are:

(1) To conserve, protect and enhance the Connecticut River populations of Atlantic salmon, American shad, river

herring, shortnose sturgeon, bald eagles, peregrine falcons, osprey, black ducks, and other native species of plants, fish and wildlife;

(2) To conserve, protect and enhance the natural diversity and abundance of plant, fish and wildlife species and the ecosystem upon which these species depend within the refuge;

(3) To protect species listed as endangered or threatened, or identified as candidates for listing, pursuant to the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.);

(4) To restore and maintain the chemical, physical and biological integrity of wetland and other waters within the refuge;

(5) To fulfill the international treaty obligations of the United States relating to fish and wildlife and wetlands; and

(6) To provide opportunities for scientific research, environmental education, and fish and wildlife-oriented recreation and access to the extent compatible with the other purposes stated in this section.

The Service identified 434 species rare enough to be considered in need for protection on a watershed basis. In addition 125 plant communities were considered rare or exemplary. The Service identified about 180,000 acres of lands and waters that contributed in a substantial way to protecting these species and fulfilling the other purposes listed in the Conte Refuge Act. These areas have been named Special Focus Areas. An additional 500 small and scattered sites that contain some of the 434 rare species have been identified. The Special Focus Areas and small scattered sites will be the focus of the majority of Conte Refuge efforts.

A notice of intent to prepare an EIS was published in the Federal Register in August, 1993. Sixty-one informal information meetings with organizations and agencies were held prior to that time, and another 82 such meetings were held through the end of July, 1994. A series of 27 more formal evening public scoping meetings were held at locations throughout the watershed during the last 4 months of 1993 and January of 1994. In April, 1994, a 3-day workshop was held in each of the four affected states. Each workshop involved 35 citizens of varied background and opinions in developing consensus recommendations for the Service. Over this entire time period, three informational mailings were made to the large mailing list. In addition, 3,500 copies of an issues workbook, soliciting input, were distributed and 500 completed workbooks were returned and analyzed.

The notice of availability of the Draft EIS appeared in the Federal Register on May 19, 1995. One-thousand nine hundred documents and 2,000 summaries were distributed. Sixteen afternoon walk-in sessions and subsequent evening public meetings were held throughout the watershed area during June, 1995 (four of which were formal public hearings). Over 990 people attended. Written comments were accepted through the end of July, 1995.

The notice of availability of the FEIS appeared in the Federal Register on November 10, 1995. A Revised Proposed Action, modified in response to public comment, was presented and the FEIS also responded to all comments received. Copies of the document or a summary were distributed to all interested parties.

**The Selected Alternative**

The selected alternative is Alternative D, the Revised Proposed Action as described in the FEIS. The activities to be undertaken include working with private landowners, state or local agencies and private organizations through the existing Partners for Wildlife and Challenge Cost Share Programs. The Service's major thrust through the year 2010 would focus on the use of voluntary efforts, developing partnerships, providing technical assistance, and administering a cost-sharing grants program to help other conservation interests carry out their land protection programs. The Service would also initiate its own land protection program. The Service would use a combination of easements, cooperative management agreements and fee title acquisition—with emphasis on lands hosting endangered, threatened, rare and uncommon species and communities. Educational efforts would be carried out in cooperation with the watershed's many environmental education providers. This alternative would result in the establishment of watershed-wide cooperative management and education programs.

This alternative would provide a high level of protection to federally listed species, rare species, migratory birds, area-sensitive species, and wetland habitats. Over 60% of the watershed's unprotected Special Focus Areas would receive some degree of protection under this alternative, a greater percentage than Alternatives A (7%), B (7%), or C (15%). Although Alternative E would offer some protection to 100% of the Special Focus Areas, Alternative D provides essentially the same protection to the listed and rare species and

communities evaluated in the FEIS. Since Alternative D also has provisions to offer widespread environmental education, technical assistance and habitat management assistance, up to 25% of the land throughout the watershed, owned by conservation organizations and private owners, would provide improved habitat. The flexibility of programs and broad land base to be affected will benefit many aquatic, and/or wide-ranging species as well as species which require active habitat management; Alternative E cannot provide the same benefits to these species. For this reason, Alternative D is the environmentally preferable alternative.

In addition to being environmentally preferable, Alternative D provides its high level of protection to targeted resources more cost effectively and in a socially preferred format. The cost of Alternative D is estimated to be \$4 million a year less than that of Alternative E. Public input throughout the NEPA process consistently recommended partnerships with local organizations as the way to implement this refuge. Such partnerships offer the Service a practical alternative to the traditional way to administer a refuge with many scattered parcels, as well as a way to implement broad landscape-scale solutions to emerging habitat issues. A majority of written and verbal comments received on the Draft EIS supported the project and almost half specifically endorsed Alternative D. In addition, Alternative D was slightly modified in response to comments received to form the Revised Proposed Action described in the FEIS.

#### Other Alternatives Considered

Besides the proposed action, the major alternatives under consideration that were analyzed and evaluated during the planning process include the following:

##### *A. The No Action Alternative*

In this alternative, the Service would take no actions to implement the Conte Refuge Act. The existing programs for protection of threatened and endangered species would continue, as would the restoration programs to restore anadromous fish such as Atlantic salmon and American shad. The activities of the Service, such as commenting on Federally licensed, permitted or funded programs would also continue. State and local agencies and private organizations would continue their ongoing programs without additional Service assistance. This alternative describes the status quo.

Based on current trends, minimal protection of aquatic habitats and plants and animal populations within the identified Special Focus Areas would result. Many species would continue to decline and some would be extirpated from the watershed. This alternative would not provide any additional Service efforts and is therefore not responsive to the Conte Refuge Act.

##### *B. The Private Lands Work and Education Alternative*

In this alternative, the Service would work exclusively with private landowners through the existing Partners for Wildlife Program. The Service's major thrust through the year 2010 would focus on the voluntary restoration and enhancement of habitats on private lands to benefit plants and animals. A limited educational effort would be undertaken, targeting the watershed's private landowners.

If this alternative were chosen, many species in the watershed would continue to decline. Minimal protection of aquatic habitats and plant and animal populations within the identified Special Focus Areas would result. Habitat improvement would occur randomly depending on landowner participation and would benefit certain species, primarily those who inhabit small wetlands and perhaps some early-successional species, but not substantially benefit many of the rare, area-sensitive or migratory species. This Alternative would not accomplish the purposes of the Act.

##### *C. The Private Lands Work, Education and Partnerships Alternative*

In this alternative, the Service would work with private landowners, state or local agencies, and private organizations through the existing Partners for Wildlife and Challenge Cost Share Programs. The Service's major thrust through the year 2010 would focus on the use of voluntary efforts, developing partnerships, providing technical assistance, and administering a cost-sharing grants program to help other conservation interests carry out their land protection programs. Educational efforts would be carried out in cooperation with the watershed's many environmental education providers.

If this alternative were chosen, small amounts of additional protection would be provided to federally-listed species, rare species, fish, migratory birds, area-sensitive species and wetland habitats. The protection and management provided by others with the support of the Service would be beneficial, but limited in scope. Species and sites not of interest to existing organizations

would receive no protection. This Alternative would not fully accomplish the purposes of the Act.

##### *E. The Private Lands Work, Education and Land Protection Alternative*

In this alternative, the Service would work with private landowners, state or local agencies and private organizations through the existing Partners for Wildlife Program. The Service would also initiate an extensive land protection effort through the year 2010, using a combination of conservation easements, cooperative management agreements and fee title acquisition, to ensure natural diversity. Educational efforts would focus on developing new programs and facilities on Service lands. This alternative would result in the establishment of a more traditional national fish and wildlife refuge in the watershed.

If this alternative were chosen, all the acreage within the Special Focus Areas would receive some degree of protection by the Service. This Alternative provides essentially the same level of protection to the listed and rare species and communities as does Alternative D, with slight additional protection for grassland and boreal species. Since habitat improvement efforts would largely be limited to Service lands, a smaller amount of the entire watershed would become improved habitat. Many aquatic, and/or wide-ranging species as well as species which require active habitat management would not be broadly benefitted.

#### Minimization of Impacts

Possible project impacts, public concerns and methods used to mitigate those impacts and concerns are addressed in the FEIS. A major public concern was that the programs undertaken would be forced on the people. The Partners for Wildlife and the Challenge Cost Share programs require the participant to apply to the Service, and therefore are totally voluntary. The Service's land acquisition policy is to work with willing sellers. The loss of tax revenue due to Service purchase of land is a negative impact. The loss of tax revenue to the towns will be partially mitigated by payment-in-lieu taxes.

#### Findings and Decision

Having reviewed and considered the FEIS for the Silvio O. Conte National Fish and Wildlife Refuge and the public comments thereon, the Service finds as follows:

(1) The requirements of NEPA and their implementing regulations have been satisfied;

(2) Statutory authority for the Service to implement this project exists subject to the Silvio O. Conte National Fish and Wildlife Refuge Act, Public Law 102-212;

(3) The Proposed Action Alternative represents the best balance between the Service's goals and objectives and the public's concerns identified throughout the public participation process; and

(4) Consistent with social, economic and other essential considerations from among the reasonable alternatives, the Proposed Action Alternative is one which minimizes or avoids adverse environmental effects to the maximum extend practicable.

Having made the above findings, the Service has decided to proceed with implementation of the Revised Proposed Action Alternative.

This Record of Decision will serve as the written facts and conclusions relied on it reaching this decision.

Dated: December 13, 1995.

Cathleen I. Short,

Acting Regional Director, Region 5, Hadley, Massachusetts.

[FR Doc. 95-30768 Filed 12-18-95; 8:45 am]

BILLING CODE 4310-55-M

## INTERSTATE COMMERCE COMMISSION

[Docket No. AB-167 (Sub-No. 1155X)]

### Consolidated Rail Corporation—Abandonment Exemption—In Middlesex County, NJ

Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon approximately 1.4 miles of rail line extending between approximately milepost 25.00 and milepost 267.40 in Middlesex County, NJ.

Conrail has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 18, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>3</sup> must be filed by December 29, 1995. Petitions to reopen or requests for public use conditions under CFR 1152.28 must be filed by January 8, 1996, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 4 Washington, DC 20423-2191.

A copy of any pleading filed with the Commission should be sent to applicant's representative: John J. Paylor, Associate General Counsel, Consolidated Rail Corporation, Two Commerce Square, 2001 Market Street, P.O. Box 41416, Philadelphia, PA 19101-1416.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

Conrail has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by December 22, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling

<sup>1</sup> The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

<sup>2</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

<sup>3</sup> The Commission will accept a late-filed trail use request so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

<sup>4</sup> Legislation to sunset the Commission on December 31, 1995, and transfer remaining functions is now under consideration in Congress. Until further notice, parties submitting pleadings should continue to use the current name and address.

Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: December 12, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-30769 Filed 12-18-95; 8:45 am]

BILLING CODE 7035-01-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 95-114]

### National Environmental Policy Act; Mars Global Surveyor Mission

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Finding of no significant impact.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321, *et seq.*), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508), and NASA policy and procedures (14 CFR Part 1216 Subpart 1216.3), NASA has made a finding of no significant impact (FONSI) with respect to the proposed Mars Global Surveyor (MGS) mission, which would involve a flight to and orbit about Mars. The baseline mission calls for the MGS spacecraft to be launched aboard a Delta II 7925 from Cape Canaveral Air Station (CCAS), Florida, in November 1996.

**DATES:** Comments on the FONSI must be provided in writing to NASA on or before January 18, 1996.

**ADDRESSES:** Written comments should be addressed to Ms. Mary Kaye Olsen, NASA Headquarters, Code SLP, 300 E Street SW, Washington, DC 20546. The Environmental Assessment (EA) prepared for the MGS mission which supports this FONSI may be reviewed at the following locations:

(a) NASA Headquarters, Library, Room 1J20, 300 E Street, SW., Washington, DC 20546.

(b) Spaceport USA, Room 2001, John F. Kennedy Space Center, Florida, 32899. Please call Lisa Fowler beforehand at 407-867-2468 so that arrangements can be made.