

and any implementation contrary to this recovery goal would contradict the purpose of the statute. Indeed, we have determined that containment under the present circumstances could lead to extinction of the species. Finally, apart from the specific references to section 7 throughout Pub. L. 99-625, the statute's discretionary grant of authority to the Secretary to develop and implement a translocation plan in the first instance brings the Secretary's affirmative decision to develop—and to continue to implement—the plan squarely within the universe of federal actions to which section 7 of the ESA applies. Having concluded under section 7 that implementation of the containment component of the plan would likely jeopardize the sea otters' continued existence, we may not proceed with that aspect of the translocation plan.

Without the legal protection afforded by section 7, actions undertaken by the Service, an authorized State agency, or an authorized agent of either the Service or such agency to effect containment are not insulated from liability under section 9 of the ESA and implementing regulations, which prohibit take of listed species unless otherwise authorized or exempt. Section 1(f) of Pub. L. 99-625 declares that no act by the Service or authorized State agency personnel to effect the translocation or management of a sea otter under the translocation plan may be treated as a violation of the ESA or the Marine Mammal Protection Act. However, the protective shield provided by this section no longer applies where the Service has determined that a component of the underlying plan itself—containment—is likely to jeopardize the continued existence of the sea otter. Under the present circumstances, any act by Service or authorized State agency personnel to remove otters from the management zone and relocate them to the parent population that results in take of an otter in either the management zone or the parent population would be in violation of section 9 of the ESA and subject to appropriate enforcement action.

Service's Position

Our mission is to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. The southern sea otter is threatened with extinction. The southern sea otter translocation plan was developed to help this species recover by establishing an experimental population. We have yet to establish an experimental population, the southern

sea otter continues to be threatened with extinction, and we have concluded that implementing the containment provisions of the southern sea otter translocation plan under the current circumstances will likely jeopardize the continued existence of the species.

We are preparing a supplemental EIS to evaluate new information regarding the translocation program and the status of the sea otter and to consider whether modifications to the southern sea otter translocation program as presently structured, or termination of the program, would be appropriate. We will also finalize our evaluation of the translocation program, including analysis of the failure criteria established for the program. Containment of southern sea otters under the current circumstances would violate our duty under the Endangered Species Act to avoid any action that would likely jeopardize the continued existence of the species. Therefore, we will not capture and remove sea otters from the management zone until we complete our reevaluation of the translocation program unless, during this interim period, new information or changed circumstances indicate that containment no longer poses likely jeopardy to the species. We will continue to solicit public input and comments regarding the translocation plan as part of our NEPA review and any rulemaking process.

Dated: January 16, 2001.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

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DEPARTMENT OF THE INTERIOR

[AZ-070-01-1232-EA, SRP-070-01-07/08]

Bureau of Land Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Temporary Closure of Selected Public Lands in La Paz County, Arizona, during the operation of the 2001 Whiplash Parker 400K/200K (kilometer) Desert Races.

SUMMARY: The Lake Havasu Field Office Manager announces the temporary closure of selected public lands under its administration in La Paz County, Arizona. This action is being taken to help ensure public safety and prevent unnecessary environmental degradation during the official permitted running of the 2001 Whiplash Parker 400K/200K Desert Races.

DATES: February 2, 2001, through February 4, 2001.

SUPPLEMENTARY REGULATIONS: Specific restrictions and closure periods are as follows:

Designated Course

1. The portion of the race course comprised of BLM lands, roads and ways located two miles either side of:
 - (a) Shea Road from the eastern boundary of the Colorado River Indian Tribes Reservation to the junction with Swansea Road, and two miles either side of Swansea Road from its junction with Shea Road to the eastern bank of the Central Arizona Project Canal.
 - (b) Swansea Road from its junction with Shea Road to the Four Corners intersection. The unpaved road from Midway north to Mineral Wash, and then west to the CAP Canal is closed to public use from 6:00 a.m. Friday, February 2, 2001 to 6:00 p.m. Sunday, February 4, 2001.
2. The entire designated race course is closed to all vehicles except authorized and emergency vehicles.
3. Vehicle parking or stopping in areas affected by the closure is prohibited except in the designated spectator areas. Emergency parking for brief periods of time is permitted on roads open for public use.
4. Spectator viewing on public land is limited to the designated spectator areas located south and north of Shea Road, as signed, approximately eight miles east of Parker, Arizona.
5. The following regulations will be in effect for the duration of the closure. Unless otherwise authorized, no person shall:
 - a. Camp in any area outside of the designated spectator areas.
 - b. Enter any portion of the race course or any wash located within the race course, including all portions of Osborne Wash.
 - c. Spectate or otherwise be located outside of the designated spectator or pit areas.
 - d. Possess or use fireworks.
 - e. Operate any vehicle, other than registered event vehicles, which is not legally registered for street and highway operation, including operation of such a vehicle in any area affected by this closure.
 - f. Park any vehicle in violation of posted restrictions, or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property or feature.

- g. Take any vehicle through, around or beyond a restrictive sign, recognizable barricade, fence or traffic control barrier.
- h. Fail to keep their campsite/viewing area free of trash and litter during the period of occupancy or fail to remove all personal equipment, trash, and litter upon departure.

Signs and maps directing the public to the designated spectator areas will be provided by the Bureau of Land Management and/or the event sponsor. The above restrictions do not apply to emergency vehicles and vehicles owned by the United States, the State of Arizona or La Paz County. Vehicles under permit for operation by event participants must follow the race permit stipulations. Authority for closure of public lands is found in 43 CFR 8340, Subpart 8341; 43 CFR 8360, Subpart 8364.1, and 43 CFR 8372. Persons who violate this closure order are subject to arrest and, upon conviction, may be fined not more than \$100,000 and/or imprisoned for not more than 12 months.

FOR FURTHER INFORMATION CONTACT:

Bryan Pittman, District Law Enforcement Ranger, or Myron McCoy, Outdoor Recreation Planner, Bureau of Land Management Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, Arizona 86406, (520) 505-1200.

Dated: January 10, 2001.

Donald Ellsworth,

Field Manager, Lake Havasu Field Office.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-074-1220-PA-241A]

Notice of Proposed Closure of Certain Lands to Off-Highway Vehicle Use to Implement the Medicine Lodge Resource Management Plan, and Big Desert Management Framework Plan, Upper Snake River District, Idaho

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The Idaho Falls Field Office, Bureau of Land Management (BLM), proposes to close or seasonally restrict certain public lands in the Upper Snake River District, Idaho, to use by motor vehicles, including off-highway vehicles, snowmobiles and other snow machines under BLM's off-highway vehicle regulations. The notice affects lands covered by two land use plans and several activity level plans. The

Medicine Lodge Resource Management Plan and the Big Desert Management Framework Plan described certain lands as "Closed to Off Highway Vehicles," and classified others as "Semi-Primitive Non-Motorized." The purpose of these proposed closures is to manage the specified lands to protect watershed, wildlife, and scenic values from damage caused by off-highway vehicle use, and to prevent undue and unnecessary disturbance to big game populations migrating to crucial winter range habitat.

DATES: You must submit your comments to BLM at the appropriate address below on or before February 21, 2001. BLM will not necessarily consider any comments received after that date in making its decisions on the final order.

ADDRESSES: Anyone wishing to make comments may submit them in person or by mail to the Field Manager, BLM Idaho Falls Field Office, 1405 Hollipark Drive, Idaho Falls, ID 83401-2100.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedure

Your comments on the proposed closure order should be specific, should be confined to issues pertinent to the proposed closure order, and should explain the reason for any recommended change. Where possible, your comments should refer to the specific section or paragraph of the proposal or to the specific tract of land that you are addressing. BLM may not necessarily consider or include in the Administrative Record for the final closure order comments that BLM receives after the close of the comment period or comments delivered to an address other than those listed above.

BLM will make your comments, including your name and address, available for public review at the Idaho Falls Field Office during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays). Under certain conditions, BLM may keep your personal information confidential. You must prominently state your request for confidentiality at the beginning of your comment. BLM will consider withholding your name, street address, and other identifying information on a case-by-case basis to the extent allowed by law. BLM will make available to the public all submissions from organizations and businesses and from individuals identifying themselves as representatives or officials of organizations or businesses.

II. Background

The authority for these closures is 43 CFR 8342.2(c), which directs BLM to " * * * take action by marking and other appropriate measures to identify designated areas and trails so that the public will be aware of locations and limitations applicable thereto. The authorized officer shall make appropriate informational material, including maps, available for public review."

The proposed closures implement the Medicine Lodge Resource Management Plan (RMP), the Big Desert Management Framework Plan (MFP) and associated activity level plans include the Sands Habitat Management Plan, Tex Creek Wildlife Management Area Plan, and the Snake River Activity/Operations Plan, and will remain in effect permanently with the publication of the final notice. This notice identifies by legal land description the precise areas that are closed to implement the plans.

There are several closure areas identified in the Medicine Lodge RMP. This notice only deals with the Tex Creek/Willow Creek, Big Bend Ridge, and Stinking Springs areas as well as river bottoms along the South Fork of the Snake River. The Big Desert MFP has identified a critical wildlife area along the main stem of the Snake River below Idaho Falls, Idaho.

The Tex Creek and Willow Creek areas are crucial wildlife areas lying east of Idaho Falls, Idaho. A majority of the lands are included in the Tex Creek Wildlife Management Area and are cooperatively managed with Idaho Dept. of Fish & Game and Bureau of Reclamation lands.

The closure affecting the Big Bend Ridge area implements the Sands Habitat Management Plan. An objective of this plan is to minimize the degree of harassment of elk due to human activity within the habitat management plan boundaries from November 15 to April 15 of the next year annually. Within the overall area, a seasonal "No Human Entry" closure is already in effect from January 1 through April 30 of each year throughout the majority of the wintering big game range. This closure notice would cover the transition area or migration route to the winter range and protect the habitat from OHV use. The established designated routes across public land along Fourth of July Creek, Saddorous Hill, and Hidden Reservoir/Jackson Mill roads will remain open.

Areas along the South Fork of the Snake River includes the Stinking Springs area and critical floodplain river bottom lands. The Snake River Activity/Operations Plan restricted OHV use to a