

injured, destroyed or lost and use of those natural resources has been lost as a result of the Incident.

## 2. Determination To Conduct Restoration Planning

The Trustees have determined, pursuant to 15 CFR 990.42 (a), that:

- (a) Data collected and analyzed pursuant to 15 CFR 990.43 demonstrate that injuries to natural resources have resulted from the Incident, including but not limited to the following:

- (1) Injury to a wide variety and number of seabirds and shorebirds, among them marbled murrelets and western snowy plovers (species listed as threatened under the Endangered Species Act, 16 U.S.C. 1531–1544), and loss or impairment of reproduction potential for these species. The report entitled “Seabird Mortality Resulting from the *M/V New Carissa* Oil Spill Incident February and March 1999,” included in the preassessment data report and jointly funded by the Trustees and Green Atlas Shipping, S.A., and TMM Co., Ltd., estimates that more than 2,300 seabirds and gulls were killed by the Incident, among them 262 marbled murrelets. In addition, that same report estimated that 460 to 809 shorebirds were oiled as a result of the Incident.

- (2) Lost public recreation use, including lost or diminished opportunities for public camping, wildlife viewing, shellfish harvesting, fishing, off-highway vehicle use, and hiking. The Trustees estimate that between 27,974 and 29,204 public trips were affected by the Incident.

- (b) Response actions during cleanup and emergency restoration measures implemented during early stages of the Incident have not adequately addressed the injuries resulting from the Incident. Response efforts included burning a significant portion of the oil on board the ship and cleaning up oil stranded along the beaches. Nevertheless, a substantial amount of oil was released onto the beaches and into the open ocean, resulting in injury to natural resources. Although response measures included collecting and cleaning oiled birds, only a small percentage of the birds affected by the oil were treated; and many birds perished as a result of the Incident. Emergency restoration measures were designed and implemented for the western snowy plover, a threatened species, but such emergency measures for other injured shorebirds and seabirds were not feasible at the time.

- (c) Potential assessment procedures to be used to evaluate injuries and to design and implement the appropriate

type and scale of restoration for these injured natural resources and services consist of, but are not limited to:

- (1) Field studies to ascertain restoration suitability of various tracts of land;

- (2) Compiling of demographic data for key species;

- (3) Computer modeling of population and mortality data;

- (4) Analysis of habitat information to properly scale restoration needs.

- (d) Feasible primary and compensatory restoration actions exist to address injuries from the Incident. Restoration activities are expected to focus on seabirds, shorebirds, and lost recreation uses. Restoration could include actions to protect and enhance habitat for seabirds and shorebirds. Specific efforts for wildlife could include acquisition and protection of shorebirds and seabird habitats. To address lost public recreation use, restoration could include development of projects to enhance public access and use of resources not accessible during the Incident. Feasible restoration actions relevant to the injuries may include, but are not necessarily limited to:

- (1) Acquisition of seabird and shorebird habitat from willing landowners;

- (2) Enhancement/protection of nesting locations of seabirds along the Oregon Coast;

- (3) Recreation projects on the North Spit of Coos Bay, in the Dunes National Recreation Area and in the Waldport area, to facilitate visitor use.

Data supporting these determinations are contained in the Record including the Preassessment Report.

Based upon the foregoing determinations, the Trustees have chosen to proceed with restoration planning for this Incident.

## Opportunity to Comment

Pursuant to 15 CFR 990.14(d), the Trustees will seek public involvement in restoration planning for this spill through public review of, and comment on, the Draft Restoration Plan. When the Draft Restoration Plan is prepared, the public will be notified of the opportunity to comment. Questions regarding this Notice may be directed to Larry Mangan, Case Manager, *M/V New Carissa* Natural Resource Damage Assessment, Bureau of Land Management at 1300 Airport Lane, North Bend, OR 97459, or by telephone at 541-751-4231 or by telefax transmission at 541-751-4303.

## 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 of natural resource damages being performed in connection with the Incident. The Record is on file at the Coos Bay District Office of the Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon. Arrangements can be made to review the Record by contacting Larry Mangan at this address or by calling him at 541-751-4231.

Dated: October 12, 2001.

**Elaine Y. Zielinski,**

*State Director, Oregon/Washington, United States Department of the Interior, Bureau of Land Management, Lead Administrative Trustee, M/V New Carissa, Natural Resource Damage Assessment.*

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**BILLING CODE 4310-JB-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-924-1430-EU; MTM 87193]

### Order Providing for Opening of Public Land; Montana

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

**ACTION:** Opening order.

**SUMMARY:** This notice terminates the temporary segregative effect as to 320 acres of public land originally included as part of the proposed Two Crow Exchange.

**EFFECTIVE DATE:** November 7, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Sandra Ward, BLM Montana State Office, P. O. Box 36800, Billings, Montana 59101, 406-896-5052.

**SUPPLEMENTARY INFORMATION:** Pursuant to the regulations contained in 43 CFR 2201.1-2(c)(2), the segregation imposed by notation to the records of the lands described below is hereby terminated and the land is made available, subject to other withdrawals and segregations of record, under the public land and mineral laws of the United States:

#### Principal Meridian, Montana

T. 22 N., R. 21 E.,

Sec. 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 5, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 9, N $\frac{1}{2}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate 320 acres in Fergus County.

2. At 9 a.m. on November 7, 2001, the lands shall be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals,

other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on November 7, 2001, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on November 7, 2001, the lands will be opened to location and entry under the United States mining laws and to the operation of the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempting adverse possession under 30 U.S.C. 38 (1994), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by state law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: October 2, 2001.

**Thomas P. Lonnie,**

*Deputy State Director, Division of Resources.*  
[FR Doc. 01-27919 Filed 11-6-01; 8:45 am]

**BILLING CODE 4310--SS-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[MT-926-02-1420-BJ]**

#### Montana: Filing of Amended Protraction Diagram Plats

**AGENCY:** Bureau of Land Management, Montana State Office, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of the amended protraction diagram accepted September 27, 2001, of the following described lands are scheduled to be officially filed in the Montana State Office, Billings Montana, thirty (30) days from the date of this publication.

Tps. 6, 7, 8, and 9 S., Rs. 28, 29, 30, 31, and 32 E.

The plat, representing the Amended Protraction Diagram 10 Index of unsurveyed Townships 6, 7, 8, and 9 South, Ranges 28, 29, 30, 31, and 32 East, Principal Meridian, Montana, was accepted September 27, 2001.

T. 6 S., R. 30 E.

The plat, representing Amended Protraction Diagram 10 of

unsurveyed Township 6 South, Range 30 East, Principal Meridian, Montana, was accepted September 27, 2001.

T. 7 S., R. 29 E.

The plat, representing Amended Protraction Diagram 10 of unsurveyed Township 7 South, Range 29 East, Principal Meridian, Montana, was accepted September 27, 2001.

T. 7 S., R. 30 E.

The plat, representing Amended Protraction Diagram 10 of unsurveyed Township 7 South, Range 30 East, Principal Meridian, Montana, was accepted September 27, 2001.

T. 7 S., R. 31 E.

The plat, representing Amended Protraction Diagram 10 of unsurveyed Township 7 South, Range 31 East, Principal Meridian, Montana, was accepted September 27, 2001.

T. 8 S., R. 29 E.

The plat, representing Amended Protraction Diagram 10 of unsurveyed Township 8 South, Range 29 East, Principal Meridian, Montana, was accepted September 27, 2001.

T. 8 S., R. 30 E.

The plat, representing Amended Protraction Diagram 10 of unsurveyed Township 8 South, Range 30 East, Principal Meridian, Montana, was accepted September 27, 2001.

T. 8 S., R. 31 E.

The plat, representing Amended Protraction Diagram 10 of unsurveyed Township 8 South, Range 31 East, Principal Meridian, Montana, was accepted September 27, 2001.

T. 8 S., R. 32 E.

The plat, representing Amended Protraction Diagram 10 of unsurveyed Township 8 South, Range 32 East, Principal Meridian, Montana, was accepted September 27, 2001.

T. 9 S., R. 28 E.

The plat, representing Amended Protraction Diagram 10 of unsurveyed Township 9 South, Range 28 East, Principal Meridian, Montana, was accepted September 27, 2001.

T. 9 S., R. 29 E.

The plat, representing Amended Protraction Diagram 10 of unsurveyed Township 9 South, Range 29 East, Principal Meridian, Montana, was accepted September 27, 2001.

T. 9 S., R. 30 E.

The plat, representing Amended Protraction Diagram 10 of unsurveyed Township 9 South, Range 30 East, Principal Meridian, Montana, was accepted September 27, 2001.

T. 9 S., R. 31 E.

The plat, representing Amended Protraction Diagram 10 of unsurveyed Township 9 South, Range 31 East, Principal Meridian, Montana, was accepted September 27, 2001.

T. 9 S., R. 32 E.

The plat, representing Amended Protraction Diagram 10 of

unsurveyed Township 9 South, Range 32 East, Principal Meridian, Montana, was accepted September 27, 2001.

A copy of the preceding described plats of the amended protraction diagram accepted September 27, 2001, will be immediately placed in the open files and will be available to the public as a matter of information.

If a protest against this amended protraction diagram, accepted September 27, 2001, as shown on these plats, is received prior to the date of the official filings, the filings will be stayed pending consideration of the protests.

These particular plats of the amended protraction diagram will not be officially filed until the day after all protests have been accepted or dismissed and become final or appeals from the dismissal affirmed.

#### FOR FURTHER INFORMATION CONTACT:

Bureau of Land Management, 5001 Southgate Drive, P.O. Box 36800, Billings, Montana 59107-6800.

Dated: October 5, 2001.

**Steven G. Schey,**

*Chief Cadastral Surveyor, Division of Resources.*

[FR Doc. 01-27920 Filed 11-6-01; 8:45 am]

**BILLING CODE 4310-DN-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[MT-926-02-1420-BJ]**

#### Montana: Filing of Amended Protraction Diagram Plats

**AGENCY:** Bureau of Land Management, Montana State Office, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of the amended protraction diagrams accepted September 14 and 17, 2001, of the following described lands are scheduled to be officially filed in the Montana State Office, Billings Montana, thirty (30) days from the date of this publication.

Tps. 21, 22, 23, and 24 N., Rs. 18 and 29 W.

The plat, representing the Amended Protraction Diagram 33 Index of unsurveyed Townships 21, 22, 23, and 24 North, Ranges 18 and 19 West, Principal Meridian, Montana, was September 14, 2001.

T. 21 N., R. 18 W.

The plat, representing Amended Protraction Diagram 33 of unsurveyed Township 21 North, Range 18 West, Principal Meridian, Montana, was accepted September 14, 2001.

T. 22 N., R. 18 W.

The plat, representing Amended Protraction Diagram 33 of unsurveyed