

area in Humboldt County, California. The Applicant's proposed timber harvest may result in the take owls, as defined in the Act and its implementing regulations. The term of the permit and Habitat Conservation Plan would be for 30 years.

The Applicant proposes to mitigate for potential impacts from incidental take of owls by retaining at least one stand of viable owl nesting habitat at all times, conducting pre-harvest owl surveys, deferring any timber harvest which may displace an activity center until outside the breeding season, and maintaining at least 35% of the forested area of the property in a condition of suitable owl habitat at all times. To minimize impacts to owls, the Habitat Conservation Plan requires specified activities that could potentially result in take not be conducted within a 1000-foot radius of any occupied owl nest site. The retention of owl habitat, including at least one stand of viable nesting habitat would ensure the availability of owl habitat in the future.

The Environmental Assessment considers the environmental consequences of three alternatives, including a no-action alternative. The proposed action alternative is the issuance of the permit under section 10(a) of the Act which would authorize incidental take of the owl. The proposed action would require the Applicant to implement their Habitat Conservation Plan. Under the no-action alternative, the permit would not be issued, the Habitat Conservation Plan would not be implemented, and the Applicant would avoid the take of owls. A third alternative is briefly considered which would defer all harvests in perpetuity with the intent of maximizing the number of spotted owls nesting on the property.

Authority: 16 U.S.C. 1531-1544, and 4201-4245.

Dated: May 21, 1997.

Thomas J. Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 97-13999 Filed 5-28-97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

AGENCY: Bureau of Indian Affairs.

ACTION: Notice.

This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.9(a), notice is hereby given that the Coastal Gabrieleno/Diegueno Band of Mission Indians, 1226 West Third Street, Santa Ana, California 92703, has filed a letter of intent to petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs (BIA) on March 18, 1997, and was signed by members of the group's governing body.

This is a notice of receipt of a letter of intent to petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be sent by mail to the petitioner and other interested parties at the appropriate time.

Under Section 83.9(a) of the Federal regulations, interested parties may submit factual and/or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the BIA's files. Such submissions will be provided to the petitioner upon receipt by the BIA. The petitioner will be provided an opportunity to respond to such submissions prior to a final determination regarding the petitioner's status.

The petition may be examined, by appointment, in the Department of the Interior, Bureau of Indian Affairs, Branch of Acknowledgment and Research, 1849 C Street, N.W., Washington, D.C. 20240, Phone: (202) 208-3592.

Dated: May 20, 1997.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 97-13960 Filed 5-28-97; 8:45 am]

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DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Proposed Boundary Adjustment

SUMMARY: Minor adjustments in the boundaries of Hopewell Culture National Historical Park. The National Park Service has determined that a boundary adjustment is necessary for the Hopewell Mound Group unit of the park referred to in 16 U.S.C. 410uu-1(a).

FOR FURTHER INFORMATION CONTACT: Superintendent, Hopewell Culture National Historical Park, 16062 State

Route 104, Chillicothe, Ohio 45601-8694 or by telephone at 614-774-1126.

SUPPLEMENTARY INFORMATION: 16 U.S.C. 410uu-1(c) authorizes the Secretary of the Interior to make these adjustments after receipt of public comment.

Therefore, notice is hereby given that public comments will be accepted for a period of 45 calendar days from the publication date of this notice. Comments should be sent to the Superintendent, Hopewell Culture at the above address. In the absence of any subsequent action to modify the proposed boundary adjustment, this boundary adjustment will become the final determination of the Department of the Interior.

This proposed boundary adjustment will add approximately 114.58 acres of privately owned land to the park and will allow for the Federal protection of significant archeological resources. The Hopewell Mound Group Unit is located in Union Township, Ross County, Ohio. The National Park Service has prepared a map identified as Proposed Boundary Adjustment for Hopewell Culture National Historical Park, bearing drawing number 353/80,046 and dated April 1997. The map depicts the specific real property proposed for inclusion to the park.

Copies of this map are on file and available for inspection at the following three locations: The Department of the Interior, National Park Service, Lands Resources Division, 1849 "C" Street, NW., Room 2444, Washington, D.C. 20240; the Midwest Field Area (GLSO-L), 1709 Jackson Street, Omaha, Nebraska 68102; and Hopewell Culture National Historical Park, at the address given above.

Dated: May 13, 1997.

William W. Schenk,

Field Director, Midwest Field Area.

[FR Doc. 97-14043 Filed 5-28-97; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Request for Public Comment on Proposed Amendments and Clarifications of NPS-48 (Concession Guidelines)

SUMMARY: On February 20, 1997, the National Park Service (NPS) requested public comment on those portions of its staff manual (NPS-48) dealing with the administration of concession authorizations which had not been made available for public comment previously. On March 27, 1997, NPS extended the due date for receipt of

comments through April 8, 1997. This notice seeks public comment on certain proposed amendments and clarifications to NPS-48.

COMMENT DATE: June 30, 1997.

ADDRESSES: Comments should be addressed to Robert Yearout, Program Manager, Concessions Program, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.

FOR FURTHER INFORMATION CONTACT: Copies of the Food Code proposed amendments to NPS-48 discussed below and, for those persons who have not previously obtained one, a copy of those portions of NPS-48 which had not previously been published for comment, are available by contacting Wendelin Mann, Concessions Program, National Park Service (202) 565-1219.

SUPPLEMENTARY INFORMATION: As a result of considering NPS-48 after receipt of public comments from the February 20, 1997, NPS is considering several clarifications and amendments to NPS-48. In addition, NPS is considering amending NPS-48 to update its Food Code guidelines. The proposed amendments and clarifications are set forth below, except for the proposed Food Code amendments which are available upon request from interested persons. NPS will respond to all comments received as a result of this notice and the February 20, 1997, notice through an additional **Federal Register** notice.

Proposed NPS-48 Amendments and Clarifications

1. Conformance With Revised Regulations

One commenter in response to the February 20, 1997, notice, pointed out that the concession contracting regulations (36 CFR, Part 51) included in NPS-48 are not the most recent version of these regulations, which were amended effective October 5, 1992. NPS agrees that the copy of the regulations contained in NPS-48 is outdated, and hereby proposes to delete the old regulations and incorporate the revised regulations in NPS-48. NPS further notes that in the event of any conflict between these revised regulations and any guidance contained in NPS-48, the revised regulations will prevail.

2. Concessioner Evaluation Program

One Commenter pointed out that a conflict exists between NPS-48 and the revised regulations (36 CFR 51.5) concerning the disposition of unsatisfactory and marginal ratings. NPS-48 states that if a concessioner receives an annual overall rating of "unsatisfactory" in any year of the

contract term or "marginal" for any 2 consecutive years, then the concessioner is not entitled to a right of preference in the renewal of its contract. The regulations at 36 CFR 51.5(a) limit the loss of a concessioner's right of preference in contract renewal to the last year (for "unsatisfactory" ratings) or the last 2 years (for "marginal" ratings) prior to issuance of a prospectus. NPS agrees that the regulations and guideline are in conflict on this point, and hereby proposes to amend NPS-48 to adopt the language of the regulation at 36 CFR 51.5(a).

3. Deposits for Advance Reservations

One commenter pointed out that one provision in NPS-48 requires that rates in effect at the time of a deposit should apply to all or a portion of the visitor stay, even though there may have been a price increase (Chapter 29, D.2.b), and that this conflicts with another provision in NPS-48 which allows concessioners to charge the increased rates so long as individuals making advance reservations are notified that rates are subject to change and are not guaranteed by the deposit (Chapter 29, D.1.c.(1)). NPS agrees that these provisions are in conflict and hereby proposes to adopt the provision allowing concessioners to charge increased rates if individuals making reservations are notified that rates are subject to change and not guaranteed by the deposit.

4. Waiver of Franchise Fees

NPS proposes to clarify NPS-48 with respect to waiver of franchise fees. In this regard, Chapter 24, section 5.i. of NPS-48 authorizes waiver of NPS concession contract franchise fees in certain circumstances. However, NPS-48 fails to note that as a matter of law such waivers are permissible only where the concession contract or permit in question contains an express provision authorizing such a waiver. Decision of the Comptroller General, April 11, 1944 (B-40226). In addition, NPS needs to state more directly that the waiver provisions of NPS-48 apply only to franchise fees, not to any other financial obligations of a concessioner set forth in an NPS concession contract or permit.

Specific Proposed Amendments and Clarifications to NPS-48

1. Chapter 5, Subsection B.21., of NPS-48 is hereby proposed to be amended by deleting the former text of 36 CFR Part 51, and replacing it with the text of 36 CFR, Part 51, as revised on October 5, 1992.

2. Chapter 19 of NPS-48 is hereby proposed to be amended by deleting the first sentence of subsection G and replacing it with the following two sentences;

When a concessioner's Annual Overall Rating is Unsatisfactory for a year, or Marginal for two consecutive years, it constitutes ground for termination of the contract/permit. Further, if a concession receives an annual overall rating of Unsatisfactory during the last year prior to issuance of a prospectus, or an annual overall rating of Marginal during the 2 years prior to issuance of a prospectus, then the concessionaire is not entitled to a right of preference in the renewal of its contract or permit.

3. Chapter 24 of NPS-48 is hereby proposed to be clarified by adding the following two sentences to the end of the first paragraph of section 5.i.:

Franchise fee waivers as a matter of law are only permissible under this section or otherwise where the concession contract or permit in question contains an express provision which authorizes such a waiver. In addition, even in circumstances where a concession contract or permit contains such an express franchise fee waiver provision, such waiver authority applies only to payment of franchise fees; it does not apply to any other financial or other obligations a concessioner may have under the terms of a concession contract or permit unless the contract or permit in question expressly so states.

4. Chapter 29 of NPS-48 is hereby proposed to be amended by deleting subsection D.2.b.

5. NPS hereby proposes to amend Chapter 21, Standard 1, of NPS-48 with respect to its Food Code guidelines to conform them to the revised "Food Code" issued by the United States Public Health Service in 1993. Copies of the proposed changes are available at the address and telephone number mentioned above.

Dated: May 16, 1997.

Robert K. Yearout,

Concession Program Manager.

[FR Doc. 97-14042 Filed 5-28-97; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF THE INTERIOR

National Park Service

Acadia National Park Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Public Law 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, June 16, 1997.