

Office of the Secretary

[Docket No. N-95-3862; FR-3846-N-03]

Funding Availability for Fiscal Year 1995 for Innovative Project Funding Under the Innovative Homeless Initiatives Demonstration Program; Notice of WaiverAGENCY: Office of the Secretary, HUD.
ACTION: Notice of waiver.

SUMMARY: This notice announces a waiver, granted by the Secretary, of the minimum 30-day application period required under section 102(a) of the HUD Reform Act for the Innovative Homeless Initiatives Demonstration, which was announced in the **Federal Register** notice, published on January 25, 1995 (60 FR 4996). A notice extending the deadline for applications was published in the **Federal Register** on January 27, 1995 (60 FR 5434).

DATES: February 24, 1995.

FOR FURTHER INFORMATION CONTACT: David Pollack, Director, Program Development Division, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410. Telephone (202) 708-1234 (voice) or (202) 708-9300 or 1-800-877-8339 (only the 800 number is a toll-free number).

SUPPLEMENTARY INFORMATION: Section 102(a) of the HUD Reform Act (42 U.S.C. 3545(a)) sets out the requirements for notice to the public regarding assistance available from HUD. Section 102(a)(3) requires **Federal Register** publication of selection criteria not less than 30 days before the deadline for applications or requests for assistance. On January 25, 1995, the Department announced the availability of \$25 million in funds under the Innovative Homeless Initiatives Demonstration Program, which was authorized by the HUD Demonstration Act of 1993 (Pub.L. 103-120, approved October 27, 1993). The January 25, 1995 notice (NOFA) announced that all applications received at HUD Headquarters, Office of Community Planning and Development, at the address shown in the **Addresses** section of the January 25, 1995 NOFA by 6 p.m. local time on February 6, 1995, would be considered for funding. In a notice published in the **Federal Register** on January 27, 1995 (60 FR 5434), the application deadline date was extended until 6:00 p.m. local time on February 13, 1995, with the same requirements as listed above. The time period was less than the 30-day

minimum application requirement under section 102(a)(3).

Section 102(a)(5) of the Reform Act permits the Secretary to waive the minimum 30-day application period "if the Secretary determines that the waiver is required for appropriate response to an emergency." The Secretary is also required to publish, in the **Federal Register**, his reasons for granting such a waiver.

The Department established a short application period for this NOFA in an effort to make funding quickly available to applicants who are in need of funding to assist homeless persons, especially during this time when harsh weather conditions necessitate greater and more immediate assistance to homeless persons. The Secretary determined that the continuing tragedy of homelessness, the desperate need for innovative solutions, the availability of funding under the Innovative Homeless Initiatives Demonstration, the unprecedented demand for assistance from HUD to fight homelessness, and the harsh weather conditions, when considered in combination, demonstrate that an emergency existed that justified the granting of a waiver of the 30-day application period required under section 102 of the HUD Reform Act.

Dated: February 21, 1995.

Henry G. Cisneros,
Secretary.[FR Doc. 95-4628 Filed 2-23-95; 8:45 am]
BILLING CODE 4210-32-P**DEPARTMENT OF THE INTERIOR****Office of the Secretary****Meeting of "Exxon Valdez" Oil Spill Public Advisory Group**AGENCY: Office of the Secretary, Interior.
ACTION: Notice of meeting.

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the *Exxon Valdez* Oil Spill Public Advisory Group to be held on Thursday and Friday, March 23-24, 1995, at 8:30 a.m. in the first floor conference room, 645 "G" Street, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Douglas Mutter, Department of the Interior, Office of Environmental Policy and Compliance, 1689 "C" Street, Suite 119, Anchorage, Alaska, (907) 271-5011.

SUPPLEMENTARY INFORMATION: The Public Advisory Group was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered

into by the United States of America and the State of Alaska on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of *United States of America v. State of Alaska*, Civil Action No. A91-081 CV. The agenda will include the orientation of new Public Advisory Group members, the review of habitat protection efforts, the review of restoration activities, and discussion of long-range restoration science planning.

Dated: February 17, 1995.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 95-4632 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-RG-M

Fish and Wildlife Service**Finding of No Significant Impact for an Incidental Take Permit for the Proposed Barton Creek Property Development, Southwest of Austin, Travis County, TX**

AGENCY: Fish and Wildlife Service.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has prepared an Environmental Assessment for issuance of a Section 10(a)(1)(B) permit for the incidental take of the Federally endangered golden-cheeked warbler (*Dendroica chrysoparia*) during the construction and operation of a residential/commercial development in southwest Travis County, Texas.

Proposed Action

The proposed action is the issuance of a permit under Section 10(a)(1)(2) of the Endangered Species Act to authorize the incidental take of the golden-cheeked warbler.

The Applicant plans to construct single-family, multi-family, and villa residences and commercial development on 4,684 acres southwest of Austin, Travis County, Texas. The proposed development will comply with all local, State, and Federal environmental regulations addressing environmental impacts associated with this type of development. Details of the mitigation are provided in the FM Properties Operating Company (Applicant) Barton Creek Property development Environmental Assessment/Habitat Conservation Plan. Guarantees for implementation are provided in the Implementing Agreement and Habitat Maintenance Agreement. These conservation plan actions ensure that the criteria

established for issuance of an incidental take permit will be fully satisfied.

Alternatives Considered

1. Proposed action,
2. No action,
3. Alternate project design,
4. Wait for the City of Austin's Regional Conservation Plan.

Determination

Based upon information contained in the Environmental Assessment/Habitat Conservation Plan, the Service has determined that this action is not a major Federal action which would significantly affect the quality of the human environment with the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an Environmental Impact Statement on the proposed action is not warranted.

It is my decision to issue the Section 10(a)(1)(B) permit for the construction and operation of the Barton Creek Property development, southwest of Austin, Travis County, Texas.

John G. Rogers,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 95-4541 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-55-M

Availability of an Environmental Assessment and an Application for an Incidental Take Permit to Implement the Red-cockaded Woodpecker "Safe Harbor" Program in the Sandhills Region of North Carolina

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service's (Service) Red-cockaded Woodpecker Recovery Coordinator (Applicant) is seeking an incidental take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The permit would authorize the take of the federally endangered red-cockaded woodpecker *Picoides borealis* (RCW) at some point in the future, incidental to such lawful activities as timber harvesting, residential development, etc., on private and other public land (excluding Federal land and the Sandhills Game Lands, which are managed by the North Carolina Wildlife Resources Commission) in the six-county Sandhills Region of North Carolina. Specifically, the plan area boundary includes land south of N.C. Highway 24/27 in Moore County; east of U.S. Highway 220 and north of U.S. Highway

74 in Richmond County; north of U.S. Highways 74 and 401 in Scotland County; north of U.S. Highway 401 in Hoke County; west of Interstate 95 in Cumberland County; and south of N.C. Highway 27 and west of U.S. Highway 401 in Harnett County. The permit would authorize incidental take only on land that is enrolled in the proposed "safe harbor" program, which is described in the Supplementary Information Section below.

The Service also announces the availability of an environmental assessment (EA) and habitat conservation plan (HCP) for the incidental take application. Copies of the EA or HCP may be obtained by making a request to the Regional Office address below. This notice also advises the public that the Service has made a preliminary determination that issuing the incidental take permit is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended. The Finding of No Significant Impact is based on information contained in the EA and HCP. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act Regulations (40 CFR 1506.6). **DATES:** Written comments on the permit application, EA, and HCP should be sent to the Regional Permit Coordinator in Atlanta, Georgia, at the address shown below and should be received on or before March 27, 1995.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, 1875 Century Boulevard, Atlanta, Georgia 30345. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office; the Sandhills Field Office in Southern Pines, North Carolina; or the Asheville, North Carolina, Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit number PRT-798839 in such comments. Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 210, Atlanta, Georgia 30345 (Telephone 404/679-7110, Fax 404/679-7280).

Sandhills RCW Biologist, U.S. Fish and Wildlife Service, P.O. Box 119, 225 N. Bennett Street, Southern Pines, North Carolina 28388 (Telephone/Fax 910/695-3323).

Field Supervisor, U.S. Fish and Wildlife Service, 330 Ridgefield Court, Asheville, North Carolina 28806 (Telephone 704/665-1195, Fax 704/665-2782).

FOR FURTHER INFORMATION CONTACT: Mr. Mark Cantrell at the Sandhills Red-cockaded Woodpecker Field Office in Southern Pines, North Carolina; Ms. Janice Nicholls at the Asheville Field Office, Asheville, North Carolina; or Mr. Rick G. Gooch at the Southeast Regional Office, Atlanta, Georgia.

SUPPLEMENTARY INFORMATION: The Sandhills area of North Carolina supports one of the largest remaining populations of federally endangered red-cockaded woodpeckers (RCWs) in the nation and is identified in the RCW recovery plan as 1 of the 15 populations across the species' range that must be viable in order to recover the species. Unlike the other 14 recovery populations, however, a significant portion (approximately 30 percent) of the Sandhills RCW groups known are on private land and could potentially contribute to a Sandhills recovery population. RCWs on private land in the Sandhills have declined significantly over the past decade. Thus, the recovery of the RCW in the Sandhills is likely to be influenced significantly by the land management decisions of private landowners.

The Service and several other agencies/organizations are working cooperatively to develop an overall conservation strategy for the Sandhills RCW population and the longleaf pine ecosystem. One component of this strategy is a habitat conservation plan that will implement the proposed "safe harbor" program. The Service recognizes that landowners presently have no legal or economic incentive to undertake proactive management actions, such as hardwood midstory removal, prescribed burning, or protecting future cavity trees, that will benefit and help recover the RCW. Indeed, landowners actually have a disincentive to undertake these actions because of land use limitations that could result if their management activities attract RCWs. However, some Sandhills landowners may be willing to take or permit actions that would benefit the RCW on their property if the possibility of future land use limitations could be reduced or eliminated.

Thus, the Service is proposing the "safe harbor" program, which is designed to encourage voluntary RCW habitat restoration or enhancement activities by relieving a landowner who enters into a cooperative agreement with the Service from any additional