

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

responsibility under the Act beyond that which exists at the time he or she enters into the agreement; i.e., to provide a "safe harbor." The cooperative agreement will identify any existing RCW clusters and will describe the actions that the landowner commits to take (e.g., hardwood midstory removal, cavity provisioning, etc.) or allows to be taken to improve RCW habitat on the property and the time period within which those actions are to be taken and maintained. Participating landowners who enter into cooperative agreements with the Service will be included within the scope of the incidental take permit by Certificates of Inclusion. A participating landowner must maintain the baseline habitat requirements on his/her property (i.e., any existing RCW groups and associated habitat) but will be allowed to incidentally take RCWs at some point in the future on other habitat on the property if they are attracted to the site by the proactive management measures undertaken by the landowner. No incidental taking of any existing RCW group is permitted under this program except under the special circumstances that are described in the HCP. Further details about this program are found in the HCP.

The EA considers the environmental consequences of three alternatives, including the preferred alternative—to implement the "Safe Harbor" program. The likely effects of the no-action alternative are the continued decline of the Sandhills RCW population on private land and the continued lack of management of many of the longleaf pine stands that remain in the Sandhills. The third alternative involves offering interested landowners financial, rather than regulatory, incentives to undertake the desired land management activities for RCWs. This alternative is not being pursued because the Service is presently unable at present to fund such a program. The proposed action alternative is the issuance of an incidental take permit and implementation of the "Safe Harbor" program.

Dated: February 16, 1995.

Noreen Clough,

Acting Regional Director.

[FR Doc. 95-4543 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-55-P

Extension of the Public Comment Period—Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit from Mr. D. Gregory Luce, in Baldwin County, Alabama

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of extension of the public comment period.

SUMMARY: The Fish and Wildlife Service gives notice that the public comment period on the environmental assessment/habitat conservation plan for Mr. D. Gregory Luce's (Applicant) application for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act) is being extended. The Applicant has been assigned permit number PRT-797979. The original 30-day comment period closed on February 8, 1995 (**Federal Register** 60:2400-2401). During the original comment period, numerous public commenters requested an extension to more fully address the potential impacts to the Bon Secour National Wildlife Refuge.

DATES: The public comment period for this proposal, which originally closed on February 8, 1995, is now extended until March 10, 1995.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Persons wishing to review the EA or HCP may obtain a copy by writing the Regional Office or the Jackson, Mississippi, Field Office. Documents will also be available for public inspection, by appointment, during normal business hours at the Regional Office, or the Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit under PRT-797979 in such comments.

Regional Permit Coordinator (TE), U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 210, Atlanta, Georgia 30345, (telephone 404/679-7110, FAX 404/679-7280) Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213 (telephone 601/965-4900, FAX 601/965-4340).

FOR FURTHER INFORMATION CONTACT: Will McDearman at the above Jackson, Mississippi, Field Office.

SUPPLEMENTARY INFORMATION: The Alabama Beach Mouse (ABM), *Peromyscus polionotus ammobates*, is a subspecies of the common oldfield

mouse *Peromyscus polionotus* and is restricted to the dune systems of the Gulf Coast of Alabama. The known current range of ABM extends from Fort Morgan eastward to the western terminus of Alabama Highway 182, including the Perdue Unit on the Bon Secour National Wildlife Refuge. The sand dune systems inhabited by this species are not uniform; several habitat types are distinguishable. The species inhabits primary dunes, interdune areas, secondary dunes, and scrub dunes. The depth and area of these habitats from the beach inland varies. Population surveys indicate that this subspecies is usually more abundant in primary dunes than in secondary dunes, and usually more abundant in secondary dunes than in scrub dunes. Optimal habitat consists of dune systems with all dune types. Though fewer ABM inhabit scrub dunes, these high dunes can serve as refugia during devastating hurricanes that overwash, flood, and destroy or alter secondary and frontal dunes. ABM surveys have not been conducted on the Applicant's property. The ABM occupied adjacent and nearby dunes of the Bon Secour National Wildlife Refuge. Suitable habitat in the form of secondary and scrub dunes exist on the Applicant's property. These habitats are likely to be occupied by ABM. None of the Applicant's property resides in designated critical habitat for the ABM. Construction of the single family residence on about 0.1-0.2 acres of the Applicant's property may result in the death of, or injury to, ABM. Habitat alterations due to house placement and its subsequent use may reduce available habitat for food, shelter, and reproduction.

The EA considers the environmental consequences of three alternatives. The proposed action alternative is the issuance of the incidental take permit. This provided for restrictions that include house placement landward of the frontal crest of the scrub dune line, establishment of a walkover structure across that scrub dune, a prohibition against housing or keeping pet cats, scavenger-proof garbage containers, no landscaping, and the minimization and control of outdoor lighting. The HCP provides a funding source for these mitigation measures.

Dated: February 16, 1995.

Noreen K. Clough,

Acting Regional Director.

[FR Doc. 95-4542 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-55-P