

withdrawal is approved prior to that date.

Dated: February 28, 1995.

**Herman L. Kast,**

*Deputy State Director, Resource Planning, Use & Protection Division.*

[FR Doc. 95-5851 Filed 3-9-95; 8:45 am]

BILLING CODE 4310-32-P

## Fish and Wildlife Service

### Endangered and Threatened Species Permit Applications and Amendment

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Amendment of Blanket Permit PRT-778102 to remove the Arctic peregrine falcon (*Falco peregrinus tundrius*); add the Aleutian shield fern (*Polystichum aleuticum*) and the Steller's eider (*Polysticta stelleri*); and change the permittee and principal officer from the Regional Director to the Assistant Regional Director, Ecological Services.

The following applicant has applied for a permit to conduct certain activities with an endangered species and a proposed threatened species, if listed, and requested removal of a delisted species from the blanket permit. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*):

Permit No. PRT-778102

Applicant: Assistant Regional Director, Ecological Services, Anchorage, Alaska.

The applicant requests amendment to their current permit to remove the Arctic peregrine falcon (*Falco peregrinus tundrius*) from the Regional Blanket Permit No. PRT-778102. Effective October 5, 1994, this species was delisted (59 FR 50796).

The applicant also requests amendment to their current permit to add the endangered Aleutian shield fern (*Polystichum aleuticum*) to the blanket permit in order to conduct certain research activities. Activities will benefit the recovery of the species and include scientific research and enhancing propagation and survival of the species as prescribed by Fish and Wildlife Service recovery documents. The applicant also requests the addition of the Steller's eider (*Polystichum stelleri*) if and when it becomes

federally listed as endangered or threatened under the Endangered Species Act. All activities for the Aleutian shield fern and Steller's eider will be in compliance with the general permit conditions included under Permit Number PRT-778102.

The applicant also requests amendment to their current permit to change the permit applicant and principal officer from the Regional Director to the Assistant Regional Director, Ecological Services. This proposed change is consistent with the delegation of Native Endangered and Threatened Species Take and Interstate Commerce Recovery Permits from the Director to Regional Directors on May 16, 1994.

Written data or comments in regard to the application should be sent to the address provided below. Documents and other information submitted in conjunction with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Assistant Regional Director, Ecological Services, 1011 East Tudor Road, Anchorage, Alaska 99503. Phone (907) 786-3544 or FAX (907) 786-3306.

Dated: February 28, 1995.

**Janet E. Hohn,**

*Regional Director, Region 7, Fish and Wildlife Service.*

[FR Doc. 95-5846 Filed 3-9-95; 8:45 am]

BILLING CODE 4310-55-P

### Finding of No Significant Impact for an Incidental Take Permit for the Construction and Operation of the Davenport Ranch Subdivision in Austin, Travis County, Texas

**AGENCY:** Fish and Wildlife Service, Interior.

**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 black-capped vireo (*Vireo atricapillus*) during the construction and operation of a residential

development in western 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 black-capped vireo.

The Applicant plans to construct single-family residences on approximately 210 acres in western 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 Davenport Ranch Subdivision Environmental Assessment/Habitat Conservation Plan. Guarantees for implementation are provided in the Agreement. These conservation plan actions ensure that the criteria established for issuance of an incidental take permit will be fully satisfied.

### Alternatives Considered

1. No action,
2. Development of the 107.8 acres of the 210-acre tract (Preferred Alternative),
3. A reduced development plan,
4. Alternative location, and
5. Wait for issuance of a Regional 10(a)(1)(B) incidental take permit.

### 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 Davenport Ranch Subdivision development in Travis County, Texas.

**A. Robyn Thorson,**

*Acting Regional Director, Region 2, Albuquerque, New Mexico.*

[FR Doc. 95-5926 Filed 3-9-95; 8:45 am]

BILLING CODE 4310-55-M

## INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32562 (Sub-No. 2)]

### Soo Line Railroad Company d/b/a CP Rail System—Acquisition of Trackage Rights Exemption— Wisconsin and Calumet Railroad Company, Inc., Wisconsin & Southern Railroad Company and Wisconsin River Transit Commission d/b/a Wisconsin River Rail Transit Commission

Wisconsin<sup>1</sup> and Calumet Railroad Company, Inc. (WICT), Wisconsin & Southern Railroad Company (WSOR), and Wisconsin River Transit Commission d/b/a Wisconsin River Rail Transit Commission (WRRTC), have agreed to grant non-exclusive overhead trackage rights and certain industry access to Soo Line Railroad Company d/b/a CP Rail System (CPRS), over and upon WRRTC's line of railroad (owned in conjunction with the Wisconsin Department of Transportation and leased and operated by WICT and WSOR). The trackage is located between the division of ownership with the Chicago Transit Authority (operated as METRA) at Fox Lake, IL, milepost 49.8 +/- and the CPRS connection at milepost 94.49 +/- at Janesville, WI. The trackage rights will offer CPRS an alternative and additional route to handle traffic between Janesville and Chicago, IL. The trackage rights were to become effective on or after August 29, 1994.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time.<sup>2</sup> The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the

<sup>1</sup> Notices of Exemption were concurrently filed in *Soo Line Railroad Company d/b/a CP Rail System—Acquisition of Trackage Rights Exemption—Wisconsin and Calumet Railroad Company, Inc., Wisconsin & Southern Railroad Company and Wisconsin River Transit Commission d/b/a Wisconsin River Rail Transit Commission*, Finance Docket No. 32562, and *Soo Line Railroad Company d/b/a CP Rail System—Acquisition of Trackage Rights Exemption—Wisconsin and Calumet Railroad Company, Inc., and Wisconsin & Southern Railroad Company*, Finance Docket No. 32562 (Sub-No. 1).

Under the Commission's rules of practice at 49 CFR 1180.4(g)(2)(ii), this notice and the notices in Finance Docket No. 32562 and Finance Docket No. 32562 (Sub-No. 1), should have been published within 20 days of filings. It was recently discovered that, through oversight, the notices had not been published.

<sup>2</sup> The United Transportation Union filed a petition to revoke on September 1, 1994. That petition is currently pending.

Commission and served on: Wayne C. Serkland, 1000 Soo Line Bldg., 105 South 5th St., Minneapolis, MN 55402.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: March 6, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 95-5946 Filed 3-9-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32562 (Sub-No. 1)]

### Soo Line Railroad Company d/b/a CP Rail System—Acquisition of Trackage Rights Exemption—Wisconsin and Calumet Railroad Company, Inc., and Wisconsin & Southern Railroad Company

Wisconsin<sup>1</sup> and Calumet Railroad Company, Inc. (WICT) and Wisconsin & Southern Railroad Company (WSOR), have agreed to grant non-exclusive overhead trackage rights to Soo Line Railroad Company d/b/a CP Rail System (CPRS), over a line of railroad (primary line), between milepost 138.58 +/- in Madison, WI to milepost 141.66 +/- near Middleton, WI, and a line segment extending from its junction with the primary line at milepost 140.0 +/- to milepost 167.06 +/- in Madison. The trackage rights will allow CPRS to continue to handle overhead traffic between Middleton and Madison, after the sale of CPRS's line of railroad between Middleton and Madison to WSOR.<sup>2</sup> The trackage rights were to

<sup>1</sup> Notices of Exemption were concurrently filed in *Soo Line Railroad Company d/b/a CP Rail System—Acquisition of Trackage Rights Exemption—Wisconsin and Calumet Railroad Company, Inc., Wisconsin & Southern Railroad Company and Wisconsin River Transit Commission d/b/a Wisconsin River Rail Transit Commission*, Finance Docket No. 32562, and *Soo Line Railroad Company d/b/a CP Rail System—Acquisition of Trackage Rights Exemption—Wisconsin and Calumet Railroad Company, Inc., Wisconsin & Southern Railroad Company and Wisconsin River Transit Commission d/b/a Wisconsin River Rail Transit Commission*, Finance Docket No. 32562 (Sub-No. 2).

Under the Commission's rules of practice at 49 CFR 1180.4(g)(2)(ii), this notice and the notices in Finance Docket No. 32562 and Finance Docket No. 32562 (Sub-No. 2), should have been published in the **Federal Register** within 20 days of filings. It was recently discovered that, through oversight, the notices had not been published.

<sup>2</sup> WSOR filed a petition for exemption to purchase CPRS's line of railroad between Middleton and

become effective on or after August 29, 1994.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time.<sup>3</sup> The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Wayne C. Serkland, 1000 Soo Line Bldg., 105 South 5th St., Minneapolis, MN 55402. As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: March 6, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 95-5947 Filed 3-9-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32562]

### Soo Line Railroad Company d/b/a CP Rail System—Acquisition of Trackage Rights Exemption<sup>1</sup>—Wisconsin and Calumet Railroad Company, Inc., Wisconsin & Southern Railroad Company and Wisconsin River Transit Commission d/b/a Wisconsin River Rail Transit Commission

Wisconsin and Calumet Railroad Company, Inc. (WICT), Wisconsin & Southern Railroad Company (WSOR) and Wisconsin River Transit

Madison, WI, in *Wisconsin & Southern Railroad Co.—Purchase, Lease and Operation Exemption—Canadian Pacific Rail Services*, Finance Docket No. 32546 (ICC served Aug. 5, 1994).

<sup>3</sup> The United Transportation Union filed a petition to revoke on September 1, 1994. That petition is currently pending.

<sup>1</sup> Notices of Exemption were concurrently filed in *Soo Line Railroad Company d/b/a CP Rail System—Acquisition of Trackage Rights Exemption—Wisconsin and Calumet Railroad Company, Inc., and Wisconsin & Southern Railroad Company*, Finance Docket No. 32562 (Sub-No. 1), and *Soo Line Railroad Company d/b/a CP Rail System—Acquisition of Trackage Rights Exemption—Wisconsin and Calumet Railroad Company, Inc., Wisconsin & Southern Railroad Company and Wisconsin River Transit Commission d/b/a Wisconsin River Rail Transit Commission*, Finance Docket No. 32562 (Sub-No. 2).

Under the Commission's rules of practice at 49 CFR 1180.4(g)(2)(ii), this notice and the notices in Finance Docket No. 32562 (Sub-No. 1) and Finance Docket No. 32562 (Sub-No. 2), should have been published in the **Federal Register** within 20 days of filings. It was recently discovered that, through oversight, the notices had not been published.