

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for a Project Called Windsor Estates Subdivision, a Single Family Residence Subdivision, in Brevard County, Florida

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Forte Macaulay Development Co., Incorporated, (Applicant), is seeking an incidental take permit from the Fish and Wildlife Service (Service), pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The permit would authorize the take of two families of the threatened Florida scrub jay, *Aphelocoma coerulescens coerulescens* in Brevard County, Florida, for a period of 3 years. The proposed taking is incidental to construction of 205 single family homes, including the necessary infrastructure, on approximately 98 acres (Project). Within the Project, 25 acres are occupied by Florida scrub jays and will be permanently altered. The Project is called Windsor Estates, and it is located on the mainland of Brevard County, north of the city of Melbourne due west of the intersection of Pineda Causeway and Wickham Road, Brevard County, Florida.

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 received on or before April 19, 1995.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta,

Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, or the Jacksonville, Florida, Field Office.

Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit under PRT-799977 in such comments.

Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345, (telephone 404/679-7110, fax 404/679-7280).

Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216-0912, (telephone 904/232-2580, fax 904/232-2404).

FOR FURTHER INFORMATION CONTACT:

Dawn Zattau at the Jacksonville, Florida, Field Office, or Rick G. Gooch at the Atlanta, Georgia, Regional Office.

SUPPLEMENTARY INFORMATION:

Aphelocoma coerulescens coerulescens is geographically isolated from other subspecies of scrub jays found in Mexico and the Western United States. The Florida scrub jay is found almost exclusively in peninsular Florida and is restricted to scrub habitat. The total estimated population is between 7,000 and 11,000 individuals. Due to habitat loss and degradation throughout the State of Florida, it has been estimated that the Florida scrub jay population has been reduced by at least half in the last 100 years. Surveys have indicated that two families of Florida scrub jays inhabit the Project site. Construction of the Project's infrastructure and subsequent construction of the individual homesites will likely result in death of, or injury to, *Aphelocoma coerulescens coerulescens* incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with property development will reduce the availability of feeding, shelter, and nesting habitat.

The EA considers the environmental consequences of three alternatives. The no action alternative may result in loss of habitat for *Aphelocoma coerulescens coerulescens* and exposure of the Applicant under Section 9 of the Act. A third alternative is the proposed Project that is designed with a different mitigation strategy focusing on management of existing lands surrounding the project area. The proposed action alternative is issuance of the incidental take permit. This provides for restrictions of construction activity, purchase of offsite habitat for the Florida scrub jay, the establishment of an endowment fund for the offsite

acquired habitat, and donation of additional offsite habitat. The HCP provides a funding mechanism for these mitigation measures.

Dated: March 13, 1995.

Noreen K. Clough,

Acting Regional Director.

[FR Doc. 95-6771 Filed 3-17-95; 8:45 am]

BILLING CODE 4310-55-P

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Re-opening of Comment Period for Availability of a Draft Environmental Assessment and Notice of an Application for an Incidental Take Permit for La Costa Villages, Carlsbad, California, by the City of Carlsbad and Fieldstone/La Costa Associates; Notice.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) has re-opened the comment period for a draft environmental assessment (EA) and application for an incidental take permit, pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The permit application includes a Habitat Conservation Plan (HCP), two HCP addendums, and an Implementing Agreement (IA). The EA package includes an EA, EA addendum, and a draft Finding of No Significant Impact for La Costa Villages, a housing and road project proposed by the applicants: Fieldstone/La Costa Associates and the City of Carlsbad, California (Applicants).

The Applicants have applied to the Service for an incidental take permit and have included a proposed pre-listing Implementation Agreement and HCP for a proposed 1,940 acre project (HCP area) in the southeastern corner of Carlsbad, California. Completion of the grading and construction activities associated with the proposed project would result in direct impacts to the federally threatened coastal California gnatcatcher (*Poliptilla californica californica*).

This notice supplements an earlier notice published on October 28, 1994 (59 FR 54207). That initial comment period closed November 28, 1994. The Service re-opened the comment period from January 31, 1995 to March 2, 1995 (60 FR 5945) to allow for public comment on the National Environmental Policy Act (NEPA) documents and the complete application package, as revised. The applicants request that 66 species be covered by the HCP and that 1 or more

section 10(a) permits be issued for those species pursuant to the HCP and IA. In response to previous comments, additional conservation, comprised of the acquisition of approximately 240 acres under the City of Carlsbad's Habitat Management Plan, has been suggested and is being considered. The 240 acres would be purchased within the habitat corridor between the City of Carlsbad and the San Dieguito River Valley to the southeast and will be of value to the gnatcatcher as habitat or as connectivity between areas of occupied habitat. In order to provide for further consideration of the above, the Service has re-opened the comment period for the Fieldstone HCP and associated documents.

DATES: Written comments on the permit application and draft EA should be received on or before April 3, 1995.

ADDRESSES: Comments regarding the application or adequacy of the EA should be addressed to Mr. Gail Kobetich, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. Please refer to permit No. PRT-795759 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Gail Kobetich or Ken Corey at the above address, or telephone (619) 431-9440. Individuals wishing copies of the application or EA should immediately contact Ken Corey. Documents also will be available for public inspection, by appointment, during normal business hours at the above address.

SUPPLEMENTARY INFORMATION: A concern has been raised regarding the consistency of the HCP with specific subarea and subregional plans under the statewide Natural Community Conservation Program (NCCP) (see page 54208 in 59 FR No. 208). All agencies and individuals are urged to provide comments on the proposal, draft EA, and the NCCP consistency issue. All comments received by the closing date will be considered in finalizing NEPA compliance and permit issuance or denial.

Dated: March 14, 1995.

Don Weathers,

Regional Director.

[FR Doc. 95-6772 Filed 3-17-95; 8:45 am]

BILLING CODE 4310-55-P

Minerals Management Service

Notice on Outer Continental Shelf Gas and Oil Lease Sales

AGENCY: Minerals Management Service, Interior.

ACTION: List of restricted joint bidders.

SUMMARY: Pursuant to the authority vested in the Director of the Minerals Management Service by the joint bidding provisions of 30 CFR 256.41, each entity within one of the following groups shall be restricted from bidding with any entity in any other of the following groups at Outer Continental Shelf oil and gas lease sales to be held during the bidding period from May 1, 1995, through October 31, 1995. The List of Restricted Joint Bidders published October 5, 1994, in the **Federal Register** at 59 FR 50767 covered the period of November 1, 1994, through April 30, 1995.

Group I. Exxon Corporation; Exxon San Joaquin Production Co.

Group II. Shell Oil Co.; Shell Offshore Inc.; Shell Western E&P Inc.; Shell Frontier Oil & Gas Inc.; Shell Onshore Ventures Inc.

Group III. Mobil Oil Corp.; Mobil Oil Exploration and Producing Southeast Inc.; Mobil Producing Texas and New Mexico Inc.; Mobil Exploration and Producing North America Inc.

Group IV. BP America Inc.; The Standard Oil Co.; BP Exploration & Oil Inc.; BP Exploration (Alaska) Inc.

Dated: March 13, 1995.

Cynthia Quarterman,

Acting Director, Minerals Management Service.

[FR Doc. 95-6755 Filed 3-17-95; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32611]

Dallas Area Rapid Transit—Acquisition and Operation Exemption—Certain Lines of The Atchison, Topeka and Santa Fe Railway Company

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission, pursuant to 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 11343-11345 the acquisition and operation by Dallas Area Rapid Transit of 11.5 miles of railroad line of The Atchison, Topeka and Santa Fe Railway Company, subject to the standard labor protective conditions. The line extends from approximately milepost 45.5 in Hale, to the Southern Pacific Transportation Company's overhead crossing at approximately milepost 57.0 in Dallas, Dallas County, TX.

DATES: This exemption will be effective on April 9, 1995. Petitions to stay must

be filed by March 30, 1995. Petitions to reopen must be filed by April 4, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32611 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423; and (2) Petitioners' representative: Kevin M. Sheys, Oppenheimer Wolff & Donnelly, 1020 Nineteenth Street, NW., suite 400, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, NW., room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: March 7, 1995.

By the Commission, Chairman McDonald, Vice Chairman Morgan, and Commissioners Simmons and Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 95-6742 Filed 3-17-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-12 (Sub-No. 183X)]

Southern Pacific Transportation Company—Abandonment Exemption—in Marion County, OR

Southern Pacific Transportation Company (SPT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon the 4.71-mile portion of its Geer Branch (the Line), extending from milepost 721.10, at or near the Geer rail station, to milepost 725.81, at or near the Salem rail station, in Marion County, OR.¹ SPT has certified that: (1) no local traffic has moved over the Line for at least 2 years; (2) any overhead traffic on the Line can

¹ Contemporaneous with this filing, the Williamette Valley Railway Company (WVR) filed a notice of exemption in Williamette Valley Railway Company—Discontinuance of Service Exemption—in Marion County, OR, Docket No. AB-435 (Sub-No. 1X), to discontinue operating on the 4.71-mile portion of the Geer Branch between milepost 721.10 at or near the Geer rail station to milepost 725.81 at or near the Salem rail station.

WVR leased and operated the entire Geer Branch pursuant to the notice of exemption in *Williamette Valley Railway Company—Acquisition, Lease and Operation Exemption—Southern Pacific Transportation Company, Finance Docket No. 32249* (ICC served Mar. 5, 1993).