

(16 U.S.C. 1531-1536) and the Service's implementing regulations governing listed fish, wildlife, and plant permits (50 CFR Parts 13 and 17).

Issuance of these permits, as required by the Act, was based on findings that such permits: (1) were applied for in good faith; (2) will not operate to the disadvantage of the listed species which are the subject of the permit, and; (3) are consistent with the purposes and policies set forth in Section 2 of the Act. Each permit issued was also found in compliance with and are subject to Parts 13 and 17 of Title 50 CFR, the Service's regulations governing listed species permits.

**ADDRESSES:** Specific applications of incidental taking, the mandatory Habitat Conservation Plan (HCP), the authorizing permit, and supporting documentation are available for review by interested persons (by appointment during regular business hours) at the Service's Southeast Regional Office, Atlanta, Georgia: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 210, Atlanta, Georgia 30345.

**FOR FURTHER INFORMATION CONTACT:** Mr. Rick G. Gooch at the address noted above, telephone: 404/679-7110.

**SUPPLEMENTARY INFORMATION:** The following is a listing of issued permits. Each entry identifies permit number, the Applicant's name, the species for which incidental taking was sought, the location of the activity, and the date the permit was issued.

*Permit Number:* PRT-790906.

*Applicant:* Mr. Welton Tapper.

*Species:* Florida scrub jay.

*Project Location:* Brevard County, Florida.

*Date Issued:* July 19, 1994.

*Permit Number:* PRT-792144.

*Applicant:* O.C. Mendes (Balmoral).

*Species:* Florida scrub jay.

*Project Location:* Brevard County, Florida.

*Date Issued:* August 10, 1994.

*Permit Number:* PRT-794539.

*Applicant:* Gen Real Estate and Management.

*Species:* Florida scrub jay.

*Project Location:* Brevard County, Florida.

*Date Issued:* October 27, 1994.

*Permit Number:* PRT-795455.

*Applicant:* Ms. Sarah Bradley.

*Species:* Red Hills salamander.

*Project Location:* Monroe County, Alabama.

*Date Issued:* December 2, 1994.

*Permit Number:* PRT-796769.

*Applicant:* Stallworth Preserve.

*Species:* Choctawhatchee beach mouse.

*Project Location:* Walton County, Florida.

*Date Issued:* December 21, 1994.

*Permit Number:* PRT-795856.

*Applicant:* The Cavalear Companies (Cloisters).

*Species:* Florida scrub jay.

*Project Location:* Brevard County, Florida.

*Date Issued:* March 28, 1995.

*Permit Number:* PRT-798839.

*Applicant:* Fish and Wildlife Service's Red-cockaded Woodpecker Coordinator, (Safe Harbor HCP).

*Species:* Red-cockaded woodpecker.

*Project Location:* Sandhills Region, North Carolina.

*Date Issued:* April 17, 1995.

*Permit Number:* PRT-797979.

*Applicant:* Mr. D. Gregory Luce.

*Species:* Alabama beach mouse.

*Project Location:* Baldwin County, Alabama.

*Date Issued:* April 25, 1995.

*Permit Number:* PRT-798698.

*Applicant:* RNR Properties, Ltd.

*Species:* Florida scrub jay.

*Project Location:* Brevard County, Florida.

*Date Issued:* May 3, 1995.

*Permit Number:* PRT-799977.

*Applicant:* Forte Macaulay

Development Company.

*Species:* Florida scrub jay.

*Project Location:* Brevard County, Florida.

*Date Issued:* May 16, 1995.

*Permit Number:* PRT-798697.

*Applicant:* Mr. Robert Farr.

*Species:* Alabama beach mouse.

*Project Location:* Baldwin County, Alabama.

*Date Issued:* May 24, 1995.

Dated: June 15, 1995.

**Jerome M. Butler,**

*Acting Regional Director.*

[FR Doc. 95-15277 Filed 6-21-95; 8:45 am]

BILLING CODE 4310-55-P

#### **Finding of No Significant Impact for an Incidental Take Permit for the Incidental Take of the Golden-cheeked Warbler During Construction of Treetops Residential Development in 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/Habitat Conservation Plan for the 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 the Treetops residential development in Travis County, Texas.

#### **Proposed Action**

The proposed action is the issuance of a permit under Section 10(a)(1)(B) of the Endangered Species Act to authorize the incidental take of the golden-cheeked warbler during construction of the multi-family housing development.

The Applicant (J.P.I. Texas Development, Inc.) plans to construct a multi-family housing development southwest of the Intersection of Capital of Texas Highway (SH360) and Spicewood Springs Road, 7.5 miles N/NE 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. A conservation plan has been developed as mitigation for the incidental take of golden-cheeked warblers and its habitat. This plan includes the following features: clearing and construction activities will be conducted outside of the warbler's breeding season; purchasing and dedication (to a conservation entity approved by the U.S. Fish and Wildlife Service) of 71 acres of occupied warbler habitat will be accomplished prior to initiation of development activity; planned undeveloped areas of the property will be maintain in their natural conditions; minimization or avoidance of clearing within the canyon habitats on the development sites, particularly the canyon habitat along Bull Creek that warblers are likely to utilize; force mains will be used to enable the proposed development to place all wastewater lines within road rights-of-way, thereby eliminating the need for gravity-fed mains which would necessitate the disturbance of warbler habitat in adjacent drainages; and follow-up monitoring of golden-cheeked warbler territories onsite will be conducted for one or more seasons as needed, following completion of the project to determine the affects of the development. Results will be reported to the U.S. Fish and Wildlife Service.

Details of the mitigation are provided in the Treetops Environmental Assessment/Habitat Conservation Plan. These conservation plan actions ensure that the criteria established for issuance of an incidental take permits will be fully satisfied.

#### **Alternatives Considered**

1. No action,
2. Proposed action,

3. Alternative project designs,
4. Alternate location, and
5. Wait for issuance of a regional Section 10(a)(1)(B) permit.

#### Determination

Based upon information contained in the Environmental Assessment/Habitat Conservation Plans, 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 Environmental Impact Statements on the proposed action is not warranted.

It is my decision to issue the Section 10(a)(1)(B) permit for the construction of multi-family housing in Travis County, Texas.

**Nancy M. Kaufman,**

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

[FR Doc. 95-15297 Filed 6-21-95; 8:45 am]

BILLING CODE 4310-55-M

## INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32715]

### Cen-Tex Rail Link, Ltd.<sup>1</sup>—Trackage Rights Exemption—Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company<sup>2</sup>

Burlington Northern Railroad Company (BN) and The Atchison, Topeka and Santa Fe Railway Company (ATSF) have agreed to grant non-

<sup>1</sup> Cen-Tex is under common control and management with South Orient Railroad Company, Ltd. (SORC). A continuance in control transaction was exempted by the Commission in *Joel T. Williams, III, Roy C. Coffee, Jr., Rafael Fernandez-MacGregor, and Bristol Investment Co., Inc.—Continuance in Control Exemption—Cen-Tex Rail Link, Ltd. and South Orient Railroad Company, Ltd.* Finance Docket No. 32478 (ICC served Aug. 16, 1994).

<sup>2</sup> Cen-Tex was a previous participant in a pending proceeding in *Burlington Northern Inc. and Burlington Northern Railroad Company—Control and Merger—Santa Fe Pacific Corporation and The Atchison, Topeka and Santa Fe Railway Company*, Finance Docket No. 32549. On April 10, 1995, Cen-Tex and SORC filed a petition pursuant to 49 CFR 1180.4(f), seeking a waiver or clarification of certain railroad consolidation procedures to facilitate the preparation of a responsive application that Cen-Tex and SORC intended to file. The petition was granted by decision served April 18, 1995, but Cen-Tex and SORC did not file a responsive application. In its notice of exemption, Cen-Tex states that, by not filing any responsive application, the class exemption procedure at 49 CFR 1180.2(d)(7) is available for the proposed trackage rights. Cen-Tex also states that copies of the trackage rights agreements in this proceeding will be submitted to the Commission in the above pending proceeding.

exclusive overhead trackage rights to Cen-Tex Rail Link, Ltd. (Cen-Tex), as follows: (1) over BN's line of railroad from milepost 0.0 on BN's Wichita Falls Subdivision near Tower 55 in Fort Worth, TX to milepost 5.1 on BN's Wichita Falls Subdivision near Tower 60 in Fort Worth, a distance of approximately 5.1 miles (including BN's Race Track from milepost 2.2 on the preceding segment to the end of track at the connection point with the Missouri Pacific Railroad Company, a further distance of approximately 0.2 miles); and (2) over ATSF's line of railroad from approximately milepost 1.29 on ATSF's Dublin Subdivision near Belt Junction in Fort Worth, to approximately milepost 349.97 on ATSF's Fort Worth Subdivision near Tower 60 in Fort Worth, a distance of approximately 9.0 miles. The total distance of the trackage involved is approximately 14.3 miles. The proposed transaction will allow Cen-Tex to reach and directly interchange traffic with other railroads in the Fort Worth area (including Dallas Area Rapid Transit, Fort Worth & Western Railroad Company, The Kansas City Southern Railway Company, Southern Pacific Transportation Company/St. Louis Southwestern Railway Company, and Missouri Pacific Railroad Company). The trackage rights were scheduled to become effective on or after June 9, 1995.

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. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Thomas W. Rissman, 6 West Hubbard St., Suite 500, Chicago, IL 60610.

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: June 16, 1995.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95-15310 Filed 6-21-95; 8:45 am]

BILLING CODE 7035-01-P

[Ex Parte No. 55 (Sub-No. 92)]

### Compliance Procedures

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is implementing, with modification, its previously-announced compliance policy (57 FR 58824, December 11, 1992) regarding any application for new motor, water, broker, and freight forwarder operating authority that was granted prior to December 10, 1992, and that is still pending because applicant has not yet complied with applicable insurance or surety bond, tariff, and process agent requirements. With respect to those still-pending applications, applicants must satisfy compliance requirements currently in effect within 60 days of the effective date of this notice or the application will be dismissed for want of prosecution. Implementation of the Commission's compliance policy through this Notice and Notice in the *Interstate Commerce Commission Register* is necessitated because of the large number of still-pending applications (approximately 15,000) that accumulated during the years when Commission policy did not require compliance within a specified period. This action is intended to alleviate the burden on Commission resources associated with maintaining these still-pending application files.

**EFFECTIVE DATE:** This Notice is effective July 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** The Office of Public Assistance, 202-927-7597. [TDD for the hearing impaired: 202-927-5721.]

**SUPPLEMENTARY INFORMATION:** In *Compliance Procedures*, 9 I.C.C. 2d 207 (1992), served December 10, 1992, the Commission reinstated its policy of imposing a compliance deadline on applicants seeking new operating authority. As a result of that policy statement, applicants were required to file with the Commission applicable insurance or surety bond, tariff, and process agent documents within 180 days of a grant of authority, or the application would be dismissed.

That policy statement also established procedures for disposing of the thousands of applications that were granted but still pending on December 10, 1992, due to non-compliance. As to those applicants that were granted authority but that did not effect compliance within 180 days of their grant of authority, the Commission would issue a decision effective in 60