

residential, commercial, and industrial construction, along with a county-wide fee of \$250/acre for platted subdivisions, condominiums, townhomes, and planned unit developments. The implementing agreement describes the mechanisms of implementation of the measures in the HCP.

Three alternatives are under consideration in the draft Washington County Habitat Conservation Plan Environmental Impact Statement (Statement). Issuance of the permit with the mitigation, minimization, and monitoring measures outlined in the HCP is the Service's preferred action and is discussed above. The Statement also outlines alternative measures that may be considered by the Service in issuing the permit. The second alternative analyzed is somewhat similar to the first alternative, except that a smaller desert habitat reserve is proposed. The proposed reserve under this alternative is 44,451 acres, and the incidental take area is 15,128 acres. Unlike the preferred alternative, and counter to what is recommended in the desert Tortoise Recovery Plan, this alternative excludes Zones 1 and 2 (west of Utah Highway 18) from the reserve. This alternative was not identified as the preferred alternative primarily because the small size of the reserve would not allow for the long-term survival of the desert tortoise, and accordingly, would preclude the possibility of recovery of the species (i.e., removal from the endangered species list). The third alternative selected for detailed evaluation is an alternative of no action. The No Action alternative was not identified as the preferred alternative because it would diffuse existing regional conservation planning efforts for the desert tortoise and possible concentrate activity on individual project needs and not meet the purpose and need of the Applicant. Development of private lands in desert tortoise habitat would be governed by the Act section 7 (if applicable) and section 9. Additionally, the No Action alternative would not provide the benefits of long-term recovery efforts for the desert tortoise identified in the HCP. Without protection, this population of desert tortoise would likely not persist in proximity to these urban areas over the long-term without comprehensive, long-term conservation measures.

In the development of the Statement, the Service initiated action to ensure compliance with the purpose and intent of National Environmental Policy Act (NEPA). Scoping activities were undertaken preparatory to development of the Statement with a variety of

Federal, State, and local entities. A Notice of Intent to prepare the Statement was published on December 2, 1991 (56 FR 61259), five public scoping meetings pursuant to NEPA were held in December 1991 in Washington County, and an additional public open house and question-and-answer session was held in St. George, Utah, on February 22, 1995. The purpose of this meeting was to update the public on changes made to the previous draft of the HCP.

Key issues addressed in the Statement include: (1) Impacts to the economy of Washington County, (2) Impacts on threatened, endangered, and sensitive species, (3) impacts on multiple-use activities in reserve areas, (4) impacts on State school trust lands, (5) impacts to private landowners, (6) impacts to livestock grazing and other agricultural practices, and (7) impacts on Virgin River flows.

The underlying goal of the proposed action is to develop and implement a program designed to ensure the continued existence of the species, while resolving potential conflicts that may arise from otherwise lawful private projects. The HCP creates an ongoing administration for the purposes of minimizing, mitigating, and monitoring impacts on the desert tortoise, as well as a framework for providing protection for candidate and sensitive species.

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Dated: June 27, 1995.

**Terry T. Terrell,**

*Deputy Regional Director.*

[FR Doc. 95-16788 Filed 7-13-95; 8:45 am]

BILLING CODE 4310-55-M

#### National Park Service

##### Maine Acadian Culture Preservation Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) that the Maine Acadian Culture Preservation Commission will meet on Thursday, August 17, 1995. The meeting will convene at 7:00 p.m. in the chapel of the former church now maintained as a cultural center by *l'association culturelle et historique—Mont Carmel* on U.S. Route 1 in Lille, Aroostook County, Maine. Lille, on the banks of the St. John River, is located midway

between Van Buren and Madawaska, Maine.

The eleven-member Maine Acadian Culture Preservation Commission was appointed by the Secretary of the Interior pursuant to the Maine Acadian Culture Preservation Act (Pub. L. 101-543). The purpose of the Commission is to advise the National Park Service with respect to:

- The development and implementation of an interpretive program of Acadian culture in the state of Maine; and
- The selection of sites for interpretation and preservation by means of cooperative agreements.

The Agenda for this meeting is as follows:

1. Review and approval of the summary report of the meeting held April 7, 1995.
2. Report on the commission workshop held at Roosevelt Campobello International Historic Park and visit to Saint Croix Island International Historic Site, June 21—23, 1995.
3. Reports of Maine Acadian Culture Preservation Commission working groups.
4. Report of the National Park Service planning team and project staff.
5. Opportunity for public comment.
6. Proposed agenda, place, and date of the next Commission meeting.

The meeting is open to the public. Further information concerning Commission meetings may be obtained from the Superintendent, Acadia National Park. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made at least seven days prior to the meeting to: Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, ME 04609-0177; telephone (207) 288-5472.

Dated: July 7, 1995.

**George Price,**

*Acting Deputy Field Director.*

[FR Doc. 95-17300 Filed 7-13-95; 8:45 am]

BILLING CODE 4310-70-P

#### INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32732]

##### East Penn Railways, Inc.—Modified Rail Certificate

On June 26, 1996, East Penn Railways, Inc. (EPRY), filed a notice for a modified certificate of public convenience and necessity under 49 CFR 1150, subpart C, to operate three rail lines as follows: (1) The Perkiomen Branch, USRA Line No. 906, between milepost 22.38 at

Pennsburg, PA and milepost 38.23 at Emmaus Jct., Emmaus, PA, a distance of 15.85 miles, in Berks, Lehigh, and Montgomery Counties, PA; (2) the Colebrookdale Industrial Track (Boyertown Branch), USRA Line No. 909, between milepost 0.00 at Colebrookdale Jct. (Pottstown, PA), to milepost 8.60 at Boyertown, PA, a distance of 8.60 miles, in Berks and Montgomery Counties, PA; and (3) the Kutztown Branch, USRA Line No. 910, between milepost 0.17 at Topton, PA, and milepost 4.29 at Kutztown, PA, a distance of 4.12 miles, in Berks County, PA.

The lines were acquired by the Commonwealth of Pennsylvania in 1982 and were formerly operated by Blue Mountain and Reading Railroad Company.<sup>1</sup> They connect with Consolidated Rail Corporation at Topton, Emmaus, and Pottstown, PA. EPRY has entered into three simultaneously executed 5-year agreements with Pennsylvania effective July 1, 1995 and extending to June 30, 2000. This transaction is related to a notice of exemption concurrently filed in *John C. Nolan—Continuance In Control Exemption—East Penn Railways, Inc.*, Finance Docket No. 32733.

The Commission will serve a copy of this notice on the Association of American Railroads (Car Service Division), as agent of all railroads subscribing to the car-service and car-hire agreement, and on the American Short Line Railroad Association.

Decided: July 10, 1995.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95-17329 Filed 7-13-95; 8:45 am]

BILLING CODE 7035-01-P

**[Finance Docket No. 32733]**

**John C. Nolan—Continuance in Control Exemption—East Penn Railways, Inc.**

John C. Nolan (Nolan) has filed a notice of exemption to continue in control of East Penn Railways, Inc. (EPRY), upon EPRY becoming a class III rail carrier. EPRY has concurrently filed a notice for a modified certificate of public convenience and necessity in *East Penn Railways, Inc.—Modified Rail Certificate*, Finance Docket No. 32732, to operate as a rail common carrier in Pennsylvania.

<sup>1</sup> See *Blue Mountain and Reading Railroad Company Modified Rail Certificate*, Finance Docket No. 30305 (Sub-No. 1) (ICC served June 13, 1990).

Nolan also owns and controls the Bristol Industrial Terminal Railway, a class III rail carrier. Nolan indicates that: (1) The properties operated by the affiliated railroads will not connect with each other; (2) the continuance in control is not a part of a series of anticipated transactions that would connect the railroads with each other or any other railroad in their corporate family; and (3) the transaction does not involve a class I carrier. The transaction therefore is exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

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: Walter A. Stapleton, 143A Green Mountain Road, Claremont, NH 03743.

Decided: July 10, 1995.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95-17328 Filed 7-13-95; 8:45 am]

BILLING CODE 7035-01-P

**[Finance Docket No. 32706]**

**Wisconsin & Southern Railroad Co.—Lease and Operation Exemption—Soo Line Railroad Company, d/b/a CP Rail System**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Commission, under 49 U.S.C. 10505, exempts from the requirements of 49 U.S.C. 11343-45 Wisconsin & Southern Railroad Company's lease and operation of the Lease Lines located in Milwaukee, WI and operation of non-exclusive operating rights of the OP Lines also located in Milwaukee. The Lease Lines are currently owned and operated by the Soo Line Railroad Company, d/b/a CP Rail System (CPRS). Petitioner asserts that the OP Lines are currently owned by the Chicago Milwaukee Corporation (CMC) and are operated by CPRS pursuant to an agreement between CMC and CPRS. The total trackage subject to exemption under this proceeding is 8.14 miles. The exemption is subject to standard labor protective conditions.

**DATES:** This exemption will be effective on August 3, 1995. Petitions to stay must be filed by July 24, 1995. Petitions to reopen must be filed by August 3, 1995.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 32706 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue NW., Washington, DC 20423; and (2) Robert A. Wimbish, Rea, Cross & Auchincloss, Suite 420, 1920 N Street, NW, Washington, D.C. 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, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721.]

Decided: June 28, 1995.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95-17327 Filed 7-13-95; 8:45 am]

BILLING CODE 7035-01-P

**[Docket No. AB-167 (Sub-No. 1148)]**

**Consolidated Rail Corporation—Abandonment—Between Walkers Mill and Burgettstown, in Allegheny and Washington Counties, PA**

The Commission has issued a decision and certificate of interim trail use and abandonment authorizing Consolidated Rail Corporation (Conrail) to abandon its Carnegie Secondary line between milepost 11.00 at Walkers Mill, and milepost 26.70 at Burgettstown, a total of 15.7 miles in Allegheny and Washington Counties, PA. The abandonment is subject to a trail use condition, a public use condition, and standard labor protective conditions. The abandonment certificate will become effective on August 13, 1995, unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.