

within 30 days of the date of this publication.

Documents and other information submitted with these applications 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, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: July 28, 1995.

**Mary Ellen Amtower,**

*Acting Chief, Branch of Permits, Office of Management Authority.*

[FR Doc. 95-18995 Filed 8-1-95; 8:45 am]

BILLING CODE 4310-55-P

**Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for a Timber Harvest Operation by Pine Belt Regional Solid Waste Management Authority in Perry County, Mississippi**

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

**ACTION:** Notice.

**SUMMARY:** Pine Belt Regional Solid Waste Management Authority (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 (Act), as amended. The permit would authorize the take of the gopher tortoise (*Gopherus polyphemus*), a threatened species, in Perry County, Mississippi for a period of 20 years. The proposed taking is incidental to the construction and operation of a solid waste landfill within a 340-acre tract located approximately 2 miles north of Runnelstown in Sections 8 and 9, Township 5 North, Range 11 West. The Service also announces the availability of an environmental assessment (EA) and habitat conservation plan (HCP) for the incidental take application. The Service prepared the EA and the HCP was developed by the Applicant. Copies of the EA and HCP may be obtained by making a request to the Regional Office address below. 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 September 1, 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. Requests must be in writing to be processed. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, or the Jackson, Mississippi, Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit under PRT-804406 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, 6578 Dogwood View Parkway, Jackson, Mississippi 39213, (telephone 601/965-4900, fax 601/965-4340).

**FOR FURTHER INFORMATION CONTACT:** Will MacDearman at the Jackson, Mississippi Field Office, or Rick G. Gooch at the Atlanta, Georgia Regional Office.

**SUPPLEMENTARY INFORMATION:** The gopher tortoise, *Gopherus polyphemus*, is listed as a threatened species in the western part of its range, from the Tombigbee and Mobile Rivers in Alabama west to southeastern Louisiana. As a native burrowing species of the fire-maintained longleaf pine ecosystem, typical gopher tortoise habitat consists of frequently burned longleaf pine or longleaf pine/scrub oak uplands on moderately well-drained to xeric soils. About 80 percent of the original habitat for gopher tortoises has been lost due to urbanization and agriculture. Certain forest management practices in remaining upland pine habitats have also adversely affected the gopher tortoise. Silvicultural systems using intensive site preparation, dense plantations and stands of loblolly pine or slash pine, and infrequent fire have reduced or eliminated the open forest and sunny forest floor of grasses and forbs where gopher tortoises burrow, nest, and feed. Though gopher tortoises are widely distributed in south Mississippi, most populations are fragmented, small in size, and functionally non-viable.

Section 9 of the Act, and implementing regulations, prohibits taking the gopher tortoise. Taking, in part, is defined as an activity that kills, injures, harms, or harasses a listed endangered or threatened species. Section 10(a)(1)(B) of the Act provides an exemption, under certain circumstances, to the Section 9

prohibition if the taking is incidental to, and not the purpose of otherwise lawful activities.

Gopher tortoise surveys conducted by the Applicant have identified at least one tortoise and six other burrows in the landfill operations area. Two of these burrows exhibited signs of recent gopher tortoise use within the past year. This area will consist of four waste disposal cells and sites for the excavation and stocking of soil to be used to cover solid wastes. Tortoises within the area would be expected to be taken as an incidental consequence of landfill construction and operation. Heavy equipment operations can directly kill or injure tortoises as a result of their becoming crushed or entombed in burrows. The HCP describes measures the Applicant will take to avoid and mitigate such taking. Prior to landfill construction, the Applicant will survey the operations area to identify, trap, and relocate gopher tortoises to an adjacent site designated as a permanent gopher tortoise habitat conservation area. The conservation area, owned by the Applicant, consists predominately of suitable habitat, a longleaf pine/blackjack oak upland, that is partially occupied by other gopher tortoises. The Applicant will manage the conservation area using a program of prescribed fire and tree thinning to maintain and improve habitat conditions for the gopher tortoise. Without such active management, particularly the use of prescribed fire, gopher tortoise habitat would deteriorate as a natural consequence of ecological succession.

Also, a temporary conservation area will be managed using the same methods as in the permanent conservation area. About one-half of the temporary area contains solid waste cells that are forecast to be used about 20 years from now. No tortoises currently occupy this portion, though habitat is suitable. The remaining portion of the temporary area, which is occupied by tortoises, may be used within 5-10 years to provide soil for waste overfill. Tortoises in this remaining portion will be relocated to the permanent conservation area prior to landfill operations.

The EA considers the environmental consequences of two alternatives; issue the requested permit as conditioned by the HCP, or take no action (deny permit). The Service has made a preliminary determination that the Applicant has satisfactorily complied with the statutory and regulatory criteria for permit issuance. The Service's proposed alternative is to issue the requested incidental take permit. The principal environmental consequence of

permit issuance, in the Service's assessment, is to the gopher tortoise. Permits authorizing the disposal and management of solid wastes at the landfill are otherwise administered according to Federal and State statutory/regulatory standards by the Environmental Protection Agency, the Mississippi Department of Environmental Quality, and the Mississippi Permit Board.

Dated: July 26, 1995.

**Garland B. Pardue,**

*Acting Regional Director.*

[FR Doc. 95-18980 Filed 8-1-95; 8:45 am]

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**Availability of an Environmental Assessment and Receipt of an Application Submitted by Jack Primus Partners, L.P. for an Incidental Take Permit for Red-cockaded Woodpeckers in Association With the Sale and Development of a Property in Berkeley County, South Carolina**

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

**ACTION:** Notice.

**SUMMARY:** Jack Primus Partners, L.P. (Applicant) has applied to the Fish and Wildlife Service for an incidental take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed permit would authorize for a period of 99 years the incidental take of a federally endangered species, the red-cockaded woodpecker *Picoides borealis* (RCW) known to occur on a property owned by the Applicant in Berkeley County, South Carolina. The Applicant proposes to sell the 996-acre property located on the Cainhoy Peninsula, 5 miles northeast of North Charleston, for development purposes. The proposed permit would authorize incidental take of RCWs on this property in exchange for mitigation elsewhere as described further 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 below and should be received on or before September 1, 1995.

**ADDRESSES:** Persons wishing to review the application, HCP, or 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 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-804465 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, 160 Zillicoa Street, Asheville, North Carolina 28801, (telephone 704/258-3939).

**FOR FURTHER INFORMATION CONTACT:** Ms. Janice Nicholls at the Asheville, North Carolina, Field Office, or Mr. Rick G. Gooch at the Atlanta, Georgia, Regional Office.

**SUPPLEMENTARY INFORMATION:** The red-cockaded woodpecker is a territorial, non-migratory cooperative breeding bird species. RCWs live in social units called groups which generally consist of a breeding pair, the current year's offspring, and one or more helpers (normally adult male offspring of the breeding pair from previous years). Groups maintain year-round territories near their roost and nest trees. The RCW is unique among North American woodpeckers in that it is the only woodpecker that excavates its roost and nest cavities in living pine trees. Each group member has its own cavity, although there may be multiple cavities in a single pine tree. The aggregate of cavity trees used by a breeding group is called a cluster. RCWs forage almost exclusively on pine trees and they generally prefer pines greater than 10 inches diameter at breast height. Foraging habitat is contiguous with the cluster. The number of acres required to supply adequate foraging habitat

depends on the quantity and quality of the pine stems available.

The RCW is endemic to the pine forests of the Southeastern United States and was once widely distributed across 16 States. The species evolved in a mature, fire-maintained, ecosystem. The RCW has declined primarily due to the conversion of mature pine forests to young pine plantations, agricultural fields, residential and commercial developments, and to hardwood encroachment in existing pine forests due to fire suppression. The species is still widely distributed (presently occurs in 13 southeastern States), but remaining populations are highly fragmented and isolated. Presently, the largest populations occur on federally owned lands such as military installations and national forests.

In South Carolina there are an estimated 681 active RCW clusters as of 1994; 67 percent are on Federal lands, 6 percent are on State lands, and 27 percent are on private lands. The populations on public lands are generally stable, and in some cases are increasing. The overall population trend on private lands in South Carolina, on the other hand, is downward. Most RCW populations on private lands are relatively small and isolated.

The Applicant's land in Berkeley County hosts a small and isolated population of RCWs. As of 1993, there were two active RCW clusters; one breeding group and one solitary adult male. The nearest known RCW groups occur on private lands approximately 1 to 2 miles to the north of the Jack Primus Tract. The nearest known population occurs several miles away on the Francis Marion National Forest to the northeast, and on the privately owned Medway Plantation located opposite the Cooper River from the Jack Primus Tract. The Applicant proposes to sell the Jack Primus Tract for development. Development of the tract may result in death of, or harm to, any remaining RCWs through the loss of nesting and foraging habitat.

The EA considers the environmental consequences of three alternatives, including the proposed action. The proposed action alternative is issuance of the incidental take permit and implementation of the HCP as submitted by the Applicant. The HCP will provide for the provisioning of six clusters with artificial starts and cavities on suitable habitat on the Medway Plantation. The Medway Plantation is under a long-term conservation easement with the primary objective of perpetuating and conserving the natural values of the property, which includes managing a portion of the property to perpetuate a mature