

about the life history of the species, including how forest structures affect population dynamics.

Potential taking incidental to the Applicant's proposed land management activities is largely associated with forest management in the permit area. There are, however, a variety of other potential effects associated with ownership and management which could also result in an incidental taking of the ABB. The following forest and land management activities are included for permit coverage: (1) Timber harvest, logging decks and pushout roads for access; (2) Site preparation activities; (3) tree planting; (4) thinning and pruning of trees; (5) pesticide use and prescribed burning; (6) food plot creation and other wildlife management activities; (7) leasing, exploration, and mining of minerals, oils, gas, and other natural resources; (8) right of way, road easements, and pipelines; (9) livestock grazing and fencing; (10) pond construction and maintenance; (11) road construction and maintenance; (12) fire lanes and helicopter pads; (13) hunting/recreational use activities; and, (14) miscellaneous activities which may cause minor ground disturbances. To address the effects of these activities on the ABB, the Applicant proposes to initiate a strategy which focuses on addressing research and management needs of the ABB on a landscape scale. This includes a baseline survey of ABB abundance and distribution, a research and monitoring program, restrictions on pesticide use, limiting ground disturbance activities during certain periods of the year, and an adaptive management approach to forest practices that incorporates new information on the ABB's needs and requirements as elucidated by the aforementioned research/monitoring plan. The Applicant will provide funding for the HCP over its 35-year life.

The EA considers the environmental consequences of several alternatives; issue the requested permit as conditioned by the HCP, issue a permit predicated on a different mitigation/minimization strategy for the ABB, or take no action (deny permit). The Service finds the greatest conservation benefits accompany the HCP and proposed permit. The Service's proposed alternative is to issue the requested incidental take permit, based upon the submitted HCP. The principal environmental consequence of permit issuance, in the Service's assessment, is to sustain or enhance the status of the ABB, via implementation and funding the mitigation and minimization measures as outlined above.

Dated: December 1, 1995.  
Noreen K. Clough,  
*Regional Director.*  
[FR Doc. 95-29942 Filed 12-7-95; 8:45 am]  
BILLING CODE 4310-55-P

**Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application for Incidental Take Permit for Construction and Operation of a Mixed Use and Residential Development in Austin, Travis County, TX**

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

**ACTION:** Notice.

**SUMMARY:** P-WB Joint Venture (Applicant) has applied to the Fish and Wildlife Service for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act. The Applicant has been assigned permit number PRT-808694. The requested permit, which is for a period of 10 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*), Tooth Cave ground beetle (*Rhadine persephone*), and Bone Cave harvestman (*Texella reyesi*). The proposed take would occur as a result of the construction and operation of 138 acres of mixed use and residential development in Austin, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan for the incidental take applications. A determination of jeopardy to the species or a Finding of No Significant Impact will not be made before 30 days from the date of publication 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 application should be received by January 8, 1996.

**ADDRESS:** Persons wishing to review the application or the EA/HCP may obtain a copy by contacting Joseph E. Johnston or Sybil Vosler, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0063). Documents will be available for public inspection during normal business hours (9 to 4:30) U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application(s) and EA/HCPs should be submitted to the Acting Field Supervisor, Ecological Field Office, Texas (see **ADDRESS** above). Please refer to permit number PRT-808694 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:**

Joseph E. Johnston or Sybil Vosler at the above Austin Ecological Service Field Office.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the golden-cheeked warbler and cave invertebrates. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

**APPLICANT:** P-WB Joint Venture plans to construct and operate 138 acres of mixed use and residential development on 333 acres in Austin, Travis County, Texas. This action will eliminate the habitat for 13 pairs of golden-cheeked warblers. The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by preserving 135 acres of golden-cheeked warbler habitat and the preservation and maintenance of 52 acres with 5 caves containing the Tooth Cave ground beetle and the Bone Cave harvestman for the conservation of the golden-cheeked warbler and the cave invertebrates.

Alternatives to this action were rejected because selling or not developing the subject property with federally listed species present was not economically feasible.

Nancy M. Kaufman,  
*Regional Director, Region 2, Albuquerque, New Mexico.*

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**Bureau of Land Management**

[UT-912-06-0777-52]

**Meeting of the Utah Resource Advisory Council**

**AGENCY:** Bureau of Land Management, Utah.

**SUMMARY:** The Utah Resource Advisory Council will meet on January 5-6, 1996 at the Howard Johnson Hotel, Salt Lake Conference Room, 122 West South Temple, Salt Lake City, Utah. Council members will meet from 9 a.m. to 5 p.m. on Friday, January 5. The entire first day will be devoted to a training session on rangeland ecology. The Council will reconvene at 8 a.m. on Saturday, January 6. A discussion of the planning process to develop standards and guidelines will be the primary topic the second day. A public comment, period where members of the public may address the Council, is scheduled for 12:00 noon on the 6th. The meeting will conclude at 1 p.m. All sessions of the

Utah Resource Advisory Council meeting are open to the public.

**FOR FURTHER INFORMATION CONTACT:** Don Banks, Utah State Office, Bureau of Land Management, 324 S. State St., Suite 300, Salt Lake City, UT 84111; phone (801) 539-4021.

Dated: December 1, 1995.

G. William Lamb,

Utah BLM State Director.

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BILLING CODE 4310-DQ-M

[UT-04-1430-01; U-74782]

### Leasing of Public Land Washington County, Utah

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action.

**SUMMARY:** This notice involves a long term lease on public land in Utah. The lease is intended to resolve a long-standing agriculture trespass and would be offered non-competitively to the current user.

**DATE:** Comments should be received by January 8, 1996.

**ADDRESS:** Comments should be sent to the Area Manager, Dixie Resource Area, 345 East Riverside Drive, St. George, Utah 84770.

**FOR FURTHER INFORMATION CONTACT:** Randy Massey, Realty Specialist, (801) 673-4654 ext. 274.

**SUPPLEMENTARY INFORMATION:** The following described public land is being proposed for a long term agriculture lease:

Salt Lake Meridian

T. 40 S., R. 17 W.,

Sec. 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; (portion of)

containing approximately 6.7 acres.

The area is currently being used as irrigated pasture and has been used as such for a number of years. The issuance of the lease would terminate a long-standing trespass. The proposed lease would be issued non-competitively to the adjacent land owner. Application for the lease will be accepted upon completion of the comment period. The lease would be issued for not less than fair market rental, and the lessee shall reimburse the United States for reasonable administrative and other costs incurred by the United States in processing the lease and for monitoring operation, maintenance, and rehabilitation of the facilities authorized. The reimbursement of costs shall be in accordance with 43 CFR 2920.6.

For a period of 30 days from the date of this notice, interested parties may

submit comments to the Area Manager, Dixie Resource Area, address noted above. Any adverse comments will be evaluated by the Area Manager who may vacate or modify this Realty Action and issue a final determination. In the absence of any objections, this Notice of Realty Action will become the final determination of the Bureau of Land Management.

James D. Crisp,

Area Manager.

[FR Doc. 95-29911 Filed 12-7-95; 8:45 am]

BILLING CODE 4310-DQ-M

### INTERSTATE COMMERCE COMMISSION

[Docket No. AB-32 (Sub-No. 70X)]

#### Boston and Maine Corporation— Abandonment Exemption—in Middlesex County, MA

Boston and Maine Corporation (B&M) has filed a notice of exemption under 49 CFR part 1152, Subpart F—*Exempt Abandonments* to abandon a portion of railroad known as the Tewksbury Branch line, between milepost 0.75 and milepost 1.92, a distance of approximately 1.17 miles, in Tewksbury, Middlesex County, MA. The proposed consummation date of the abandonment is January 8, 1996.

B&M has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) overhead traffic has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January

6, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>3</sup> must be filed by December 18, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 27, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: John R. Nadolny, Iron Horse Park, North Billerica, MA 01862.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

B&M has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by December 12, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: November 29, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95-30007 Filed 12-7-95; 8:45 am]

BILLING CODE 7035-01-P

<sup>1</sup> A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

<sup>2</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

<sup>3</sup> The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.