

The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by purchasing 20 acres of mitigation credit from the Nature Conservancy of Texas, Inc. to acquire/manage lands for the conservation of the golden-cheeked warbler.

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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**Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the American Burying Beetle by Weyerhaeuser Company for Timber Harvesting and Management in Little River County, AR, and McCurtain County, OK**

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

**ACTION:** Notice.

**SUMMARY:** Weyerhaeuser Company (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 American Burying Beetle (*Nicrophorus americanus*), an endangered species, in Little River County, Arkansas, and McCurtain County, Oklahoma, for a period of 35 years. The proposed incidental take would result from normal forestry and other operational and management practices performed on the Applicant's lands.

The Service also announces the availability of a habitat conservation plan (HCP) and environmental assessment (EA). The Applicant's HCP describes conservation measures that will be taken to minimize and mitigate coincidentally with incidental take of the American burying beetle (ABB) by undertaking a research program into the long-term conservation needs of the affected species and by limiting certain ground-disturbing activities. Reporting and amendment procedures are included to ensure that the Applicant's management activities may continue to consider the latest scientific information pertaining to distribution and habitat requirements of the ABB and to address unforeseen circumstances. The EA prepared by the Service describes the

environmental consequences of issuing or denying the incidental take permit. As stated in the EA, the Service proposes to issue the requested permit. This proposal is based on a preliminary determination that the Applicant has satisfied the requirements for permit issuance and that the HCP provides conservation benefits to the ABB that exceed the impact of the expected level of incidental take. Copies of the EA and HCP may be obtained by making a written request to the Regional Office [See ADDRESSES 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 January 8, 1996.

**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 for the documents 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-809072 in such comments:

Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia (404-679-7110, fax 404-679-7081)  
Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213 (601-965-4900, fax 601-965-4340)

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

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act, and implementing regulations, prohibits the take of RCWs. Take, 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 an otherwise lawful activity.

This application for incidental taking is associated with a three-way land exchange proposed in Arkansas and Oklahoma. It involves the Applicant, the Service, and the Forest Service. The proposed exchange was formulated in consultation with State and local

interests. The Applicant's openness to the proposal is based on its interest in consolidating ownership and obtaining land and timber more strategically located to its sawmills. Additionally, some of its existing lands with their associated non-timber values are better suited for public ownership and management. The Applicant and the two Federal agencies believe the proposed exchange satisfies the desire to place these lands in public ownership and better aligns the highest and best land uses with landowner interest and objectives.

The land exchange is approximately a 4 to 1 ratio, with the Applicant contributing the larger share. The Applicant will transfer approximately 150,000 acres to the Federal government. About 100,000 acres of this lies in southeast Oklahoma around Broken Bow Lake and near the McCurtain County Wilderness Area, a site operated by the Oklahoma Department of Wildlife Conservation. Other acreage consists of sites totalling approximately 25,000 acres near areas of strong public interest including Lake Ouachita, Little Missouri Wild and Scenic River, Glover River, Lower Mountain Fork River, Flatside Wilderness Area and other parts of the Ouachita National Forest. The Applicant will also transfer some 25,000 acres of nationally significant wetland habitat to the Service to be incorporated into the existing Cossatot National Wildlife Refuge to be managed for public benefits associated with wetland flora and fauna.

The Applicant will acquire approximately 40,000 acres from the Federal government, including 27,000 acres of the Tiak Ranger District of the Ouachita National Forest in McCurtain County, Oklahoma. The remaining acreage is in smaller, scattered tracts in Garland, Yell and Perry Counties, Arkansas. As a result of the land exchange described above, the Applicant will obtain ownership of land with known populations of ABB. The ABB is known to occur on or near the Tiak Ranger District, a substantial portion of which is to be received by the Applicant in the land exchange. This species is a carrion beetle, family Silphidae, and is also called the giant carrion beetle. It is the largest member of a guild of beetles that breed and rear their young on vertebrate carcasses. Like other burying beetles, the ABB is a highly social species that provides biparental care to its young. Once widely distributed throughout Eastern North America, this species is believed to have disappeared from most of its historic range. Very little is known

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]  
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**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