

South, Suite 310, Jacksonville, Florida 32216-0912, (telephone 904/232-2580, fax 904/232-2404).

FOR FURTHER INFORMATION CONTACT: Dawn Zattau at the Jacksonville, Florida, Field Office, or Rick G. Gooch at the Atlanta, Georgia, Regional Office.

SUPPLEMENTARY INFORMATION: The red-cockaded woodpecker (RCW) 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.

Continued development of the two tracts may result in death of, or harm to, any remaining RCWs through the loss of nesting and foraging habitat. The Service's EA outlines two alternatives in response to this application. The first alternative is a no-action alternative, which would result in the Service's denial of the request for incidental take. The second alternative is to accept the application as sufficient and issue an incidental take permit. Under Alternative 2, the applicants' HCP proposes to offset the anticipated level

of incidental take, by implementing the following mitigation/minimization measures, including providing adequate funding to ensure their success:

1. For Pineda Crossing, temporary restrictions on construction activities at the project site will continue during the proposed period of 3 to 5 years of reproductive monitoring and translocations. This will provide temporary foraging, nesting, and roosting habitat. Construction within RCW habitat will not occur until translocations success is noted at the mitigation site or for 3 years, whichever comes first. If young birds are not available for 3 years, the HCP period will be extended to 5 years.
2. Three new cluster sites will be created at the Hal Scott Preserve in Orange County. Each cluster site will consist of three completed cavities and two start holes. New cavities will be caged and inspected for 6 months for sap leakage. Any trees leaking sap will not be opened for use by RCW.
3. Annual monitoring of nesting and roosting activity will be conducted at the project sites. During nesting season, weekly visits to occupied cavity trees will be conducted.
4. At Windover Farms, the single male RCW will be relocated to the newly created clusters at Hal Scott Preserve, along with a young female from Pineda Crossing (if available), or from the Big Econlockhatchee population, of which the RCWs occupying Hal Scott are a part.
5. The young birds from Pineda Crossing will be translocated to the newly created clusters at Hal Scott Preserve. Weekly visits will be conducted to the mitigation site once a week for 1 month after translocation to inspect the cavity and the surrounding area for the presence of these birds. Checks of the cluster sites will also be made four times during the following nesting season to monitor reproductive status and success.
6. Young birds from the surrounding population in the Big Econ River area will be used, if necessary, to augment these created cluster sites during years of no reproduction on the Pineda Crossing site.
7. At the mitigation site, inspections will be conducted in the fall and winter to locate the roost sites.

Dated: December 1, 1995.

Noreen K. Clough,

Regional Director.

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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 Residential and Commercial Development in Wimberely, Hays County, Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Douglas J. Barclay (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number PRT-808691. The requested permit, which is for a period of 30 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*). The proposed take would occur as a result of the construction and operation of 164 acres of residential and commercial development in Wimberely, Hays County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take applications. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) 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 on or before January 8, 1996.

ADDRESSES: Persons wishing to review the application and 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, Austin, Texas (see **ADDRESS** above). Please refer to permit number PRT-808691 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. 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: Douglas J. Barclay plans to construct and operate residential and commercial development on 164 acres in Wimberely, Hays County, Texas. This action will eliminate the habitat for one to two pairs of golden-cheeked warblers.

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.

[FR Doc. 95-29944 Filed 12-7-95; 8:45 am]

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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