

lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

The Volente Group, Inc. plans to construct a lakefront mixed-use development and associated roads and utilities on 1,746 acres of the 2,572.8-acre Reed Estate Property. A more detailed description of the proposed development is available in the EA/HCP. This action will eliminate 1 to 5 black-capped vireo territories and approximately 557 acres in 23 warbler territories on the Jonestown tract. A total of 640 acres of warbler habitat and 29 warbler territories occur on the Volente tract and approximately 201 acres and 5 of the Warbler territories will be eliminated during development.

The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by preserving and maintaining a 827-acre conservation area on the Volente tract, in perpetuity. Approximately 439 acres of the 640 acres of golden-cheeked warbler habitat will be included in the 827-acre conservation area and will include 24 of the 29 golden-cheeked warbler territories. The applicant will also include approximately 33 acres of vireo habitat on the Jonestown tract in a vireo open space preserve.

The conservation area will be within the Cypress Creek Macrosite Preserve and the Applicant will manage the conservation area until such time as the Lower Colorado River Authority (LCRA) or other public or private non-profit agency accepts fee title dedication and management responsibility of the land. A deed restriction will be recorded on the conservation area prohibiting uses of the area that are incompatible with the conservation needs of the golden-cheeked warbler and black-capped vireo. The proposed action and other mitigative measures are explained in detail in the EA/HCP.

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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Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application to Amend Incidental Take Permit PRT-782829 to Allow Construction and Operation of a Residential and Commercial Development on Davenport Ranch in Austin, Travis County, Texas

SUMMARY: Davenport Limited (applicant) has applied to the Fish Wildlife Service (Service) to amend incidental take permit PRT-782829 pursuant to Section 10(a)(1)(b) of the Endangered Species Act (Act). The requested amendment, 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 development of 185 residential lots and 2 commercial lots with associated streets and utilities on roughly 209 acres of a 272-acre parcel in Davenport Ranch located in Austin, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the amendment. A determination of whether jeopardy to the species is likely to result, 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(a) 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 August 19, 1996.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Mary Orms, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0063). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 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 Field Supervisor, Ecological Field Office, Austin, Texas (see **ADDRESSES** above). Please refer to permit number PRT-782829 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Mary Orms at the above Austin Ecological Services 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 or amend issued permits to take endangered wildlife species when such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

Davenport Limited plans to construct 185 residential lots and two commercial lots on a 272-acre parcel in Davenport Ranch. The construction will be located on the south end of approximately 112 acres of habitat and will impact two warbler territories. The applicant proposes to compensate for this loss of golden-cheeked warbler habitat by purchasing 55 acres of the 128-acre Vaughn Tract located north of F.M. 2769, roughly 1.6 miles west of its intersection with Bullick Hollow Road, within the Cypress Creek macrosite preserve area of the Balcones Canyonlands Conservation Plan area, in Travis County. The land will be donated to the Lower Colorado River Authority and funding will be provided for operation and maintenance of the acquired habitat.

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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Notice of Availability of a Draft Environmental Assessment on Development of a Bilateral Agreement Between the United States and Russia for the Conservation of Polar Bears and Notice of Public Meetings To Seek Comments

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and public meetings.

SUMMARY: This notice announces the availability to the public of a draft Environmental Assessment (EA) regarding the proposal to develop a United States/Russia Bilateral Agreement for the Conservation of Polar Bears in the Chukchi/Bering Seas. The Chukchi/Bering Seas and a portion of the Eastern Siberian Sea stock of polar