

Dated: May 14, 1997.

**LaVeen Ponds,**

Acting Committee Management Officer, NIH.  
[FR Doc. 97-13214 Filed 5-19-97; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**Warren Grant Magnuson Clinical Center; Notice of Meeting of the Executive Committee of the Board of Governors of the Warren Grant Magnuson Clinical Center**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Executive Committee of the Board of Governors of the Warren Grant Magnuson Clinical Center, May 28, 1997. The Executive Committee will meet on May 28 from 8:30 a.m. to approximately 12:30 p.m. in the Medical Board Room (2C116) of the Clinical Center (Building 10) 9000 Rockville Pike, Bethesda, Maryland.

The meeting will be entirely open to the public and will discuss financial updates, the Clinical Center Strategic Plan feedback and prioritization, and agenda preparation for the next Board meeting. Attendance by the public will be limited to space available.

**FOR FURTHER INFORMATION CONTACT:** Ms. Maggi Stakem, Office of the Director, Warren Grant Magnuson Clinical Center, Building 10, Room 2C146, Bethesda, Maryland 20892, (301) 496-4114.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Stakem in advance of the meeting.

This notice is being published less than fifteen days prior to this meeting due to scheduling conflicts.

Dated: May 14, 1997.

**LaVeen Ponds,**

Acting Committee Management Officer, NIH.  
[FR Doc. 97-13211 Filed 5-19-97; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Notice of Availability of an Environmental Assessment and Finding of No Significant Impact, and Receipt of an Application for an Incidental Take Permit for the Regional Habitat Conservation Plan for the Red-Cockaded Woodpecker on Private Land in the East Texas Pineywoods**

**SUMMARY:** The Texas Parks and Wildlife Department (TPWD) and the Texas Forest Service (TFS) (applicants) have applied for an incidental take permit from the U.S. Fish and Wildlife Service (Service) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The requested permit would authorize the applicants to enter into Safe Harbor Cooperative Agreements, authorizing future take; and Isolated Group Cooperative Agreements authorizing take (subject to fulfilling mitigative requirements) of isolated groups of the endangered red-cockaded woodpecker (*Picoides borealis*). Such take would be incidental to lawful land-use activities, such as timbering or residential development, on private and public land (excluding State and Federal land) in the Pineywoods region of east Texas. The permit would only authorize incidental take on specific lands enrolled in this program for which a respective Cooperative Agreement has been signed.

The geographic scope of the Texas red-cockaded woodpecker Habitat Conservation Plan (HCP) encompasses the southeastern portion of the Pineywoods Ecoregion of Texas.

It generally consists of a 21-county area that includes all or parts of Angelina, Cherokee, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, and Walker counties. Lands potentially eligible for inclusion in the conservation plan include all privately-owned lands and public lands owned by cities, counties, and municipalities. Priority will be placed on securing Safe Harbor Cooperative Agreements with landowners where the land has the potential to benefit the red-cockaded woodpecker, particularly land with abandoned or inactive clusters, and that is near National Forests. Land in which red-cockaded woodpecker activity or potential habitat occurs outside of the specified geographic boundary may be considered for inclusion in the plan, although priority will be given to land

within the specified geographic region. The duration of the permit is 99 years.

This notice advises the public that the Service has opened the comment period on the permit application and the environmental assessment (EA). The Service specifically requests comment on the appropriateness of the "No Surprises" assurances contained in this application. The permit application includes the Regional Habitat Conservation Plan for the Red-cockaded Woodpecker on Private Land in East Texas (Texas RCW HCP); an Isolated Group incidental take addendum; two separate cooperative agreements with the Service; and two separate cooperative agreements with landowners. The EA package includes a draft EA, and a draft Finding of No Significant Impact (FONSI), which concludes 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 (NEPA) of 1969, as amended.

This notice is provided pursuant to section 10(a) of the Act and NEPA regulations (40 CFR 1506.6). The Service will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the Act. If it is determined that the requirements are met, a permit will be issued for the incidental take of the red-cockaded woodpecker subject to the provisions of the Texas RCW HCP. The final NEPA and permit determinations will not be completed until after the end of a 30-day comment period and will fully consider all comments received.

**DATES:** Written comments on the Texas RCW HCP, Isolated Group Addendum, EA, and draft FONSI must be received within 30 days of the date of publication.

**ADDRESSES:** Written data or comments should be submitted to Mr. Jeffrey A. Reid, Wildlife Biologist, U.S. Fish and Wildlife Service, 701 N. First Street, Lufkin, Texas 75901. Please refer to the Texas RCW HCP when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey A. Reid, U.S. Fish and Wildlife Service, at the address above or telephone (409) 639-8546. Individuals wishing copies of the documents should contact Mr. Reid. Please refer to Texas

RCW HCP when requesting copies of documents.

Documents 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 within 30 days of the date of publication of this notice, to the address above or to the Arlington Ecological Services Field Office, 711 Stadium Drive, Suite 252, Arlington, Texas 76011; (817) 885-7830.

**SUPPLEMENTARY INFORMATION:** The Texas RCW HCP is intended to establish Safe Harbor Cooperative Agreements that will result in the development of habitat for use by red-cockaded woodpeckers. These Safe Harbor Cooperative Agreements will provide incentives to develop red-cockaded woodpecker habitat by landowners who may otherwise have reservations about supporting endangered species on their lands.

The proposed programs complement the ongoing development of an overall conservation strategy for the red-cockaded woodpecker population in east Texas by representatives from the Service, U.S. Forest Service, TPWD, TFS, and private industry. Implementation should alleviate the concerns about endangered species conservation efforts by providing private landowners with relief from potential regulatory burdens while promoting voluntary enhancement and restoration of red-cockaded woodpecker nesting and foraging habitat. Red-cockaded woodpecker groups determined to be isolated will be used for augmentation/translocation in recovery, support, or other viable subpopulations.

The alternative of paying landowners for desired management practices could be accomplished without incidental taking occurring. However, such a program would be expensive and monies are not currently available.

Instead, the regulatory incentive proposed here, though it authorizes future incidental taking, is expected to attract sufficient interest among east Texas landowners to generate real benefits for the red-cockaded woodpecker. It is anticipated that 31 red-cockaded woodpecker groups will be included under the Safe Harbor Cooperative Agreements and as many as 10 red-cockaded woodpecker groups could be involved in Isolated Group Cooperative Agreements. Therefore, the extent of incidental take should not exceed 41 red-cockaded woodpecker groups during the life of this permit.

The Texas RCW HCP is cast in an adaptive management framework to allow changes in the program based on new scientific information including,

but not limited to, biological needs and management actions proven to benefit the species or its habitat. The Service continues to critically evaluate any potential or real biological costs and conservation benefits of current red-cockaded woodpecker management and research programs. This ensures continuation of activities proven to directly benefit or contribute to species conservation and recovery.

Currently acceptable management activities may be modified or eliminated based upon research findings and/or evaluation of the biological costs versus the conservation benefits. The 1985 Red-cockaded Woodpecker Recovery plan is currently undergoing revision to reflect advances in red-cockaded woodpecker management in the last 12 years. This adaptive management concept allows the Texas RCW HCP to tier to the revised recovery plan upon issuance.

All interested agencies, organizations, and individuals are urged to provide comments on the permit application and NEPA documents.

All comments received by the closing date will be considered in finalizing NEPA compliance and permit issuance or denial. The Service will publish a record on its final action in the **Federal Register**.

**Lynn B. Starnes,**

*Acting Regional Director, Region 2  
Albuquerque, New Mexico*

[FR Doc. 97-13141 Filed 5-19-97; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Land Acquisitions; Klamath Tribes of Oregon

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of final agency determination to take land into trust under 25 CFR part 151.

**SUMMARY:** The Assistant Secretary—Indian Affairs made a final agency determination to acquire approximately 42.31 acres, more or less, of land into trust for the Klamath Tribes of Oregon on May 14, 1997. This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

**FOR FURTHER INFORMATION CONTACT:** George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, MS-2070 MIB, 1849 C Street, NW, Washington, D.C. 20240, telephone (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** This notice is published to comply with the requirement of 25 CFR 151.12(b) that notice be given to the public of the Secretary's decision to acquire land in trust at least 30 days prior to signatory acceptance of the land into trust. The purpose of the 30-day waiting period in 25 CFR 151.12(b) is to afford interested parties the opportunity to seek judicial review of final administrative decisions to take land in trust for Indian tribes and individual Indians before transfer of title to the property occurs. On May 14, 1997, the Assistant Secretary—Indian Affairs decided to accept approximately 42.31 acres, more or less, of land into trust for the Klamath Tribes of Oregon pursuant to Section 7 of the Klamath Indian Tribe Restoration Act, 25 U.S.C. 566d. The Secretary shall acquire title in the name of the United States in trust for the Klamath Tribes of Oregon for the following parcel of land described below no sooner than 30 days after the date of this notice.

A parcel of land containing 42.31 acres, more or less, situated in Government Lots 22, 23, 28 and 33, Section 16, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point, said point being the intersection of the North line of Government Lot 23, Section 16, Township 35, Range 7 East of the Willamette Meridian with the Easterly right of way line of Highway 97 and marked with a 5/8" pin, from which the 1/4 corner common to Section 15 and 16, said Township and Range, bears North 89° 33' 01" East 2203.55 feet; thence along the North line of said Government Lot 23 and the North line of Government Lot 22, said Township and Range, North 89° 33' 01" East 1423.15 feet to the Westerly mean high water line of the Williamson River; thence along said mean high water line the following bearings and distances: South 2° 23' 25" West 39.36 feet; thence South 17° 15' 25" East 52.99 feet; thence South 28° 02' 08" East 76.89 feet; thence South 39° 18' 40" East 130.02 feet; thence South 57° 22' 25" East 202.38 feet; thence South 16° 42' 10" East 142.95 feet; thence South 27° 47' 45" East 190.57 feet to a point on the South line of said Government Lot 22, said point being marked by a 5/8" pin; thence leaving said mean high water line along said South line of Government Lot 22 North 90° 00' 00" West 951.85 feet to the Northeast corner of Government Lot 28, said Township and Range, said corner being marked by a 1/2" pin; thence along the East line of said Government Lot 28 South 0° 08' 48" East 659.79 feet to the