

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application for Incidental Take Permit for Construction of One Single Family Residence on 0.75 acre of the 5 acres owned by Fred P. Stein on Walnut Springs Road in Williamson County, TX.

SUMMARY: Mr. Fred Stein (Applicant) has applied to the U.S. 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 TE-007891-0. The requested permit, which is for a period of 5 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 of one single family residence on Walnut Springs Road in Williamson County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 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 April 19, 1999.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to 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 Christina Longacre, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0057). 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 and EA/HCP should be submitted to the Field Supervisor, Ecological Field Office, Austin, Texas at the above address. Please refer to permit number TE-007891-0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Christina Longacre 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: Mr. Fred Stein plans to construct a single family residence on Walnut Springs Road in Williamson County, Texas. This action will eliminate less than one acre of habitat and indirectly impact less than four additional acres of golden-cheeked warbler habitat. The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by donating \$1,500 into the Balcones Canyonlands Preserve to acquire/manage lands for the conservation of the golden-cheeked warbler.

Alternatives to this action were rejected because not developing the subject property with federally listed species present was not economically feasible and alteration of the project design would not decrease the impacts.

Geoffery L. Haskett,

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

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Intent To Prepare an Environmental Impact Statement for the Construction of a Natural Gas Pipeline and Production Facilities in the Kenai National Wildlife Refuge, Alaska

AGENCY: U.S. and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (USFWS) intends to gather information necessary for the preparation of an environmental impact statement (EIS) in response to a right-of-way application for construction of a natural gas pipeline and production facilities in the Kenai National Wildlife Refuge, Alaska. The proposed project would be located in the northwest section of the Kenai Peninsula, generally between Beaver Lake and the Swanson River Road (T7N, R10W and T7N, R9W, Seward Meridian, Alaska). A series of public meetings will

be held during the preparation of the EIS. Notices of the dates, times, and locations of these public meetings will be advertised in local publications prior to the event. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS.

DATES: The public meeting dates are:

1. March 30, 1999, 7:00 p.m., Soldotna, Alaska.

2. April 1, 1999, 7:00 p.m., Anchorage, Alaska.

Written comments should be received by April 15, 1999.

ADDRESSES: The public meetings locations are:

1. Soldotna—Soldotna Senior Center, 197 W. Park Avenue, Soldotna, Alaska 99669.

2. Anchorage—Spenard Community Recreation Center, 2020 W. 48th Avenue, Anchorage, Alaska 99517.

Comments should be addressed to: Regional Director, Region 7, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Brian L. Anderson (907) 786-3379.

SUPPLEMENTARY INFORMATION: Marathon Oil Company has applied for a right-of-way grant to construct a natural gas pipeline and production facilities upon lands of the Kenai National Wildlife Refuge, a Conservation System Unit established by the Alaska National Interest Lands Conservation Act (ANILCA) (Sec. 303, Pub. L. 96-487, 16 U.S.C. 668dd). The right-of-way application will be evaluated under regulations (43 CFR 36) implementing Title XI of ANILCA, Transportation and Utility Systems in and Across, and Access into, Conservation System Units in Alaska.

The surface estate within the project area is owned by the United States and is managed by the USFWS. The subsurface oil, gas and coal mineral estate is owned by Cook Inlet Region Incorporated (CIRI), an Alaska Corporation established under the provisions of the Alaska Native Claims Settlement Act (ANCSA) (Sec. 7, Pub. L. 92-203, 43 U.S.C. 1601 *et seq.*). Under Title XI, CIRI is entitled to adequate and feasible access to their valid inholding for economic and other purposes, subject to reasonable regulations necessary to protect the natural and other values of the refuge.

As an operator under lease to CIRI, Marathon Oil Company proposes to develop natural gas production from two or more well sites including the