

writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Clayton Napier, U.S. Fish and Wildlife Service, 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) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Austin, Texas, at the above address. Please refer to permit number TE-049665-0 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Clayton Napier at the above U.S. Fish and Wildlife Service, Austin Office.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the Houston toad. However, the Fish and Wildlife Service (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.

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).

*Applicant:* Bruce and Myra Nicholson plan to construct a single-family residence, within 5 years, on approximately 0.5 acres of a 16.652-acre property on FM 2104, Bastrop County, Texas. This action will eliminate 0.5 acres or less of Houston toad habitat and result in indirect impacts within the lot. The Applicants propose to compensate for this incidental take of the Houston toad by providing \$2,000.00 to the Houston Toad Conservation Fund at the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat.

**Bryan Arroyo,**

*Regional Director, Region 2.*

[FR Doc. 01-31422 Filed 12-20-01; 8:45 am]

**BILLING CODE 4510-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Receipt of a Permit Application (Angulo) for Incidental Take of the Houston Toad

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

**ACTION:** Notice of availability.

**SUMMARY:** Roberto Angulo (Applicant) has applied for an incidental take permit (TE-049664-0) pursuant to Section 10(a) of the Endangered Species Act (Act). The requested permit would authorize the incidental take of the endangered Houston toad. The proposed take would occur as a result of the construction and occupation of a single-family residence on approximately 0.5 acres of a 27.352-acre property on Old Antioch Road, Bastrop County, Texas.

**DATES:** Written comments on the application should be received on or before January 22, 2002.

**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, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Clayton Napier, U.S. Fish and Wildlife Service, 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) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Austin, Texas, at the above address. Please refer to permit number TE-049664-0 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Clayton Napier at the above U.S. Fish and Wildlife Service, Austin Office.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the Houston toad. However, the Fish and Wildlife Service (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.

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).

*Applicant:* Roberto Angulo plans to construct a single-family residence, within 5 years, on approximately 0.5 acres of a 27.352-acre property on Old Antioch Road, Bastrop County, Texas. This action will eliminate 0.5 acres or less of Houston toad habitat and result in indirect impacts within the lot. The Applicant proposes to compensate for this incidental take of the Houston toad by providing \$3,000.00 to the Houston Toad Conservation Fund at the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat.

**Bryan Arroyo,**

*Regional Director, Region 2.*

[FR Doc. 01-31423 Filed 12-20-01; 8:45 am]

**BILLING CODE 4510-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Receipt of a Permit Application (Kirchner) for Incidental Take of the Houston Toad

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

**ACTION:** Notice of availability.

**SUMMARY:** Thomas and Elisa Kirchner (Applicants) have applied for an incidental take permit (TE-050153-0) pursuant to Section 10(a) of the Endangered Species Act (Act). The requested permit would authorize the incidental take of the endangered Houston toad. The proposed take would occur as a result of the construction and occupation of a single-family residence and guest home on approximately 1.0 acre of a 205.0-acre property on Antioch Road, Bastrop County, Texas.

**DATES:** Written comments on the application should be received on or before January 22, 2002.

**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, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Clayton Napier, U.S. Fish and Wildlife Service, 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) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Austin, Texas, at the above address. Please refer to permit number TE-050153-0 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Clayton Napier at the above U.S. Fish and Wildlife Service, Austin Office.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the Houston toad. However, the Fish and Wildlife Service (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.

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).

*Applicants:* Thomas and Elisa Kirchner plan to construct a single-family residence and guest home, within 5 years, on approximately 1.0 acre of a 205.0-acre property on Antioch Road, Bastrop County, Texas. This action will eliminate 1.0 acre or less of Houston toad habitat and result in indirect impacts within the lot. The Applicants propose to compensate for this incidental take of the Houston toad by providing \$4,000.00 to the Houston Toad Conservation Fund at the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat.

**Bryan Arroyo,**

*Regional Director, Region 2.*

[FR Doc. 01-31424 Filed 12-20-01; 8:45 am]

**BILLING CODE 4510-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-921-01-1320-EL-P; NDM 90783]

#### Cancellation of Competitive Coal Lease

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Cancellation of Competitive Coal Lease Offering (NDM 90783) scheduled for December 11, 2001; Request for Public Comment on Fair Market Value and Maximum Economic Recovery; and Notice of Reschedule of the Competitive Coal Lease Offering (NDM 90783) by Sealed Bid.

**SUMMARY:** Notice of The Coteau Properties Company's Coal Lease.

The Bureau of Land Management is providing notice of cancellation for the coal lease offering (NDM 90783) by sealed bid scheduled for December 11, 2001. According to Federal coal management regulations at 43 CFR 3422, the BLM must conduct a public hearing for comments on the environmental assessment, the fair market value (FMR), and maximum economic recovery (MER) of the proposed lease tract 30 days prior to holding a lease sale. This required Public Hearing has not occurred. Consequentially, this notice is published to: (1) retract the earlier lease sale date; (2) provide notice for a Public Hearing on the environmental assessment, FMR, and MER; and (3) announce a new date for the coal lease sale.

The lands included in Coal Lease Application NDM 90783 are located in Mercer County, North Dakota. The entire area lies within the Freedom Mine NACT 9501 permit area operated by The Coteau Properties Company.

The coal resource to be offered consists of all recoverable reserves in the following-described lands:

**T. 146 N., R. 88 W., 5th P.M.**

Sec. 14: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Sec. 22: N $\frac{1}{2}$ N $\frac{1}{2}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  excluding a 4.59-acre tract described by metes and bounds and further described as: Beginning at a point on the west line of said Section 22, said point being 250.00 feet north of the southwest corner of the NW $\frac{1}{4}$  of Section 22; thence north along said west line of Section 22, 500.00 feet; thence east at right angles to the last-described line, 400.00 feet; thence south parallel with said west line, 500.00 feet; thence west at right angles, 400.00 feet to the point of beginning; SW $\frac{1}{4}$  excluding a 12.61-acre tract described by metes and bounds and further described as: Beginning at the southwest corner of

the SW $\frac{1}{4}$  of said Section 22, thence easterly along the south line of said Section 22, 500.00 feet; thence north at right angles to said south line, 500.00 feet; thence northwesterly to a point on the west line of said Section 22, said point being 1,700.00 feet north of said southwest corner; thence southerly along said west line to the point of beginning; NW $\frac{1}{4}$ SE $\frac{1}{4}$

502.80 acres—Mercer County, North Dakota

For Coal Lease Application NDM 90783, the recoverable Beulah-Zap seam averages 15.2 feet with an average overburden depth of 61.8 feet. The coal, as received, averages 6,817 BTU/lb in heating 3 value, contains 0.72% sulfur content, 37.5% moisture, 6.81% ash, and 6.11% sodium. The BLM estimates recoverable coal reserves to be approximately 7 million tons.

The public is invited to submit written comments on the fair market value and the maximum economic recovery of the tract. Comments must be received on or before 30 days after the publication date of this notice in the **Federal Register**.

Notice is also given that a public hearing will be held on the environmental assessment, the proposed sale, and the fair market value and maximum economic recovery of the proposed lease tract at 1 p.m., on Tuesday, January 8, 2002, at the BLM North Dakota Field Office. The environmental assessment is available for review at the BLM North Dakota Field Office, 2933 Third Avenue West, Dickinson, North Dakota. For further information, please contact Lee Jefferis, geologist, at 701-225-7713.

In accordance with the Federal coal management regulations at 43 CFR 3422 and 3425, not less than 30 days prior to the publication of a notice of sale, the Secretary shall solicit public comments on fair market value appraisal and maximum economic recovery and on factors that may affect these two determinations. Proprietary data marked as "confidential" may be submitted to the BLM in response to this solicitation of public comments. Data so marked shall be treated in accordance with the laws and regulations governing the confidentiality of such information. A copy of the comments submitted by the public on fair market value and maximum economic recovery, except those portions identified as proprietary by the author and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the BLM, Montana State Office, 5001 Southgate Drive, Billings, Montana, during regular business hours (9 a.m. to 4 p.m.) Monday through Friday.