

**EFFECTIVE DATE:** December 28, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Mark Johnston, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

**SUPPLEMENTARY INFORMATION:** In accordance with the December 12, 1988 court order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless.

Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: December 20, 2001.

**John D. Garrity,**

Director, Office of Special Needs Assistance Programs.

[FR Doc. 01-31854 Filed 12-27-01; 8:45 am]

**BILLING CODE 4210-29-M**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered and Threatened Wildlife and Plants; Status of the Rio Grande Cutthroat Trout

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

**ACTION:** Notice of intent to initiate a status review.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service) announce our intent to initiate a candidate status review for the Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*) to determine if candidate status is warranted. The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that we identify species of wildlife and plants that are endangered or threatened, based on the best available scientific and commercial information. Through the Federal rulemaking process, we add these species to the List of Endangered and Threatened Wildlife at 50 CFR 17.11 or the List of Endangered or Threatened Plants at 50 CFR 17.12. As part of this program, we maintain a list of species that we regard as candidates for listing. A candidate is one for which we have

on file sufficient information on biological vulnerability and threats to support a proposal to list as endangered or threatened but for which preparation and publication of a proposal is precluded by higher-priority listing actions. On or before June 4, 2002, we will make a determination concerning the results of this review for the Rio Grande cutthroat trout and, shortly thereafter, we will publish this determination in the **Federal Register**.

**DATES:** Comments and information from all interested parties for our use in the status review and preparing a revised finding will be accepted until February 26, 2002.

**ADDRESSES:** Questions and comments concerning this status review should be sent to Joy Nicholopoulos, Field Supervisor, U.S. Fish and Wildlife Service, 2105 Osuna Rd. NE, Albuquerque, NM 87113. Comments can be provided via e-mail to R2FWE\_AL@fws.gov. Comments and materials received will be available on request for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:**

Anna Maria Muñoz, Fish and Wildlife Biologist (see **ADDRESSES** section), telephone (505) 346-2525.

**SUPPLEMENTARY INFORMATION:**

#### Background

On February 25, 1998, we received a petition from Kieran Suckling, of the Southwest Center for Biological Diversity requesting that the Service add the Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*) to the list of threatened and endangered species. The petition addressed the range-wide distribution of the Rio Grande cutthroat trout that included populations in Colorado and New Mexico.

The Rio Grande cutthroat trout is the southernmost of 14 subspecies of cutthroat trout (Behnke 1967, 1972, 1992; Sublette et al. 1990). There are two phenotypic forms of the subspecies, one in the Rio Grande and one in the Pecos River (Behnke 1992). The species derives its name from the distinctive red or orange slashes beneath the lower jaw. The general body coloration is yellowish green to grayish brown; the abdomen is creamy white. Variably-sized black spots cover the upper body and are more numerous posteriorly; dorsal, adipose, and caudal fins carry black spots (Koster 1957, Behnke 1992, Sublette et al. 1990). Although the historical distribution of the Rio Grande cutthroat trout is not known with certainty, it is likely that the subspecies

occurred not only in all waters in the upper Rio Grande, Pecos, and Canadian River Basins that are currently capable of supporting trout, but also in other stream reaches within these watersheds that formerly provided the habitat requisites of coldwater species.

Section 4(b)(3)(B) of the Act requires that we make a finding on whether a petition to list, delist or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action is—(a) not warranted; (b) warranted; or (c) warranted but precluded from immediate proposal by other pending listing proposals of higher priority. We subsequently published a notice of a 90-day finding in the **Federal Register** (63 FR 49062) on September 14, 1998. In the 90-day finding we concluded that the petition did not present substantial information indicating that listing of the Rio Grande cutthroat trout may be warranted.

Our finding recognized that livestock grazing, road construction, and logging were primary factors in the constriction of the Rio Grande cutthroat trout's historical range, and continue to impact streams and riparian habitats where measures to limit those impacts are lacking. The Service concluded that the management objectives of both States, set forth in respective management plans formulated for the Rio Grande cutthroat, would provide for the continued management, conservation, and stability of this subspecies and its habitats.

On June 9, 1999, a complaint was filed by the Southwest Center for Biological Diversity challenging the September 14, 1998, 90-day petition finding as violating the Act and the Administrative Procedures Act. Recently, while the litigation was pending, we received some information (particularly related to the presence of whirling disease in hatchery fish in the wild) that led us to believe that further review of the status of the species was warranted.

On November 8, 2001, a settlement agreement executed by both parties (the Service and the Center for Biological Diversity) was filed with the court. The settlement stipulates that we will initiate a candidate status review for the Rio Grande cutthroat trout. The settlement also stipulates that on or before June 4, 2002, we will make a determination concerning the results of this review and, shortly thereafter, we will publish our determination in the **Federal Register**. The agreement also states that we will not vacate our previous determination in the interim.

### Request for Information

Our determination of candidate status for the Rio Grande cutthroat trout shall be based upon the best available scientific and commercial data, as required under section 4(b)(1)(A) of the Act. We request you submit any further information on the Rio Grande cutthroat trout. We are particularly interested in any information concerning the following:

- (1) Current population numbers and trends for each of the populations of the Rio Grande cutthroat trout;
- (2) Whether there are documented increases in those populations or their habitat;
- (3) The status of remaining habitat areas;
- (4) The current threats and future threats to those populations and remaining habitat areas; and
- (5) Other regulatory mechanisms that address those threats; and the success of those mechanisms to date.

### References Cited

A complete list of all references cited is available upon request from the New Mexico Ecological Services Field Office (see **ADDRESSES** section).

### Author

The primary author of this document is New Mexico Ecological Services Field Office staff (see **ADDRESSES** section).

**Authority:** The authority for this action is section 4(b)(1)(A) of the Endangered Species Act, 16 U.S.C. 1533.

Dated: November 23, 2001.

**Nancy Kaufman,**

*Regional Director.*

[FR Doc. 01-31911 Filed 12-27-01; 8:45 am]

**BILLING CODE 4310-55-M**

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Industrial Gas Pipeline Right-of-Way Permit Application Crossing Fish and Wildlife Service National Wildlife Refuge

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) advises the public that Air Products, L.P., of Houston, Texas, has submitted an application to install a 10-inch nominal pipeline for transportation of industrial gas from Bayport, Texas, to Freeport, Texas, containing approximately 52.7 miles in length and crossing portions of Harris, Galveston, and Brazoria Counties,

Texas. The pipeline will be within an existing 300-foot wide pipeline right-of-way corridor that crosses the Brazoria National Wildlife Refuge, in Brazoria County, Texas. The portion that will cross the Service land is approximately 165.11 rods and will utilize a 12-foot by 55-foot surface site, in Brazoria County, Texas. The pipeline will consist of 10<sup>3</sup>/<sub>4</sub> inches O.D. steel line pipe, 0.365-inch wall thickness, API specification 5L Grade X-42, coated with fusion bonded epoxy, and cathodically protected, and will be buried at a minimum of 5 feet. An Environmental Analysis and Cultural Resources Review has been prepared and is on file.

This notice informs the public that the Service will be proceeding with the processing of the application, the compatibility determination and the approval processing which includes the preparation of the terms and conditions of the permit.

**DATES:** Written comments should be received on or before January 28, 2002 to receive consideration by the Service.

**ADDRESSES:** Comments should be addressed to: Regional Director, U.S. Fish and Wildlife Service, Division of Realty, Attention: Lena V. Marie, Realty Specialist, P.O. Box 1306, Albuquerque, New Mexico 87103-1306, telephone number 505-248-7411 or fax number 505-248-6803.

**SUPPLEMENTARY INFORMATION:** The Refuge Manager for the Brazoria National Wildlife Refuge has approved the route of the pipeline that lies within an existing 300-foot wide right-of-way corridor.

Right-of-Way applications for pipelines are to be filed in accordance with Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C.), as amended by the Act of November 16, 1973, (37 Stat. 576, Public Law 93-153).

Dated: November 26, 2001.

**Esther M. Pringle,**

*Acting Regional Director.*

[FR Doc. 01-31858 Filed 12-27-01; 8:45 am]

**BILLING CODE 4310-55-M**

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Applications for Incidental Take Permits by Gulf Highlands LLC and Fort Morgan Paradise Joint Venture in Alabama

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

**ACTION:** Notice of availability; Reopening of public comment period.

We, the U.S. Fish and Wildlife Service (Service), announce the availability of an Environmental Assessment and receipt of applications for incidental take permits for residential development in Alabama. We also provide notice that the public comment period for the proposal is reopened to allow all interested parties to submit written comments on the proposed incidental take permits. Comments previously submitted need not be resubmitted. The original public notice, 66 FR 54020-54022, opened the comment period from October 25 through December 10, 2001.

Gulf Highlands LLC and Fort Morgan Paradise Joint Venture (Applicants) seek incidental take permits (ITP) from the Fish and Wildlife Service (Service) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed take would be incidental to otherwise lawful activities, including construction of residential condominiums, commercial facilities, and recreational amenities on adjoining tracts of land owned by the Applicants. The proposed action would involve approval of the Habitat Conservation Plan (HCP) jointly developed by the Applicants, as required by section 10(a)(2)(B) of the Act, to minimize and mitigate for incidental take of the Federally-listed, endangered Alabama beach mouse (*Peromyscus polionotus ammobates*)(ABM), the endangered Kemp's ridley sea turtle (*Lepidochelys kempii*), the threatened green sea turtle (*Chelonia mydas*), and the threatened loggerhead sea turtle (*Caretta caretta*). The subject permits would authorize take of ABM and the three sea turtles along 2,844 linear feet of coastal dune habitat fronting the Gulf of Mexico in Baldwin County, Alabama. The Applicants' properties total 180.5 acres, but only 62 acres would be developed. Additionally, about 16 acres of platted road rights-of-way are encompassed by the project and bring the total area to 196.4 acres. A more detailed description of the mitigation and minimization measures to address the effects of the Project to the ABM and sea turtles is provided in the Applicants' HCP, the Service's Environmental Assessment (EA), and in the **SUPPLEMENTARY INFORMATION** section below.

The Service announces the availability of an Environmental Assessment (EA) and Habitat Conservation Plan/Applications for Incidental Take. The permit applications incorporate the Applicants' HCP as the proposed action for evaluation in the Service's EA. Copies of the EA on compact disk and the HCP