

1973, as amended (Act). The requested permit would authorize incidental take of the endangered golden-cheeked warbler. The proposed take would occur as a result of the construction and operation of a mixed-use community, including hotel-resort, golf, commercial, and residential development in the City of San Antonio, Bexar County, Texas.

**DATES:** To ensure consideration, written comments must be received on or before July 1, 2005.

**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 written or telephone request to Dawn Whitehead, U.S. Fish and Wildlife Service, Ecological Services Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0057). Documents will be available for public inspection by written request or by appointment only during normal business hours (8 a.m. to 4:30 p.m.) at the U.S. Fish and Wildlife Service Office, Ecological Services Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758. Data or comments concerning the application and EA/HCP should be submitted in writing to the Field Supervisor, U.S. Fish and Wildlife Service Office, Austin, Texas at the above address. Please refer to permit number TE-102437-0 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Dawn Whitehead, Ecological Services Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0057).

**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.

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 will not be made until at least 60 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:** As part of the preferred alternative, LIC has developed an HCP that specifies what steps the Applicant

will take to avoid, minimize, and mitigate the potential impacts to the golden-cheeked warbler associated with development, construction, and occupation of the Master Phase II, Bexar County, Texas, to the greatest extent practicable.

The preferred alternative is the issuance of a permit under section 10(a)(1)(B) of the Act to authorize the potential incidental take of the golden-cheeked warbler within the 1,609 acre permit area. The requested term of the permit is 30 years. Mitigation efforts under the proposed HCP would include, among other things, the perpetual dedication and management of approximately 760 acres (307.6 hectares) of the 1,609-acre permit area as a preserve for the golden-cheeked warbler. These 760 acres are considered to be the highest quality warbler habitat on the property. Much of this area is adjacent to a 331 acre (134 hectares) block of contiguous warbler habitat that has been preserved in perpetuity for the golden-cheeked warbler under a separate consultation with the Service. The proposed preserve system is also adjacent to an even larger block of privately-owned potential warbler habitat to the east, most of which is considered relatively un-developable due to topographic and other constraints.

Three other alternatives to this action were rejected because the environmental impacts would be greater than, or similar to, the proposed action, but would not provide as great a conservation benefit as the proposed action, and/or were not economically viable.

**Background:** LIC owns approximately 2,855 acres (1160 hectares) of property proposed for a mixed-use community that includes hotel-resort, golf, commercial, and residential development. The property is bordered to the south by Evans Road and to the west by Bulverde Road in the City of San Antonio, Bexar County, Texas. The 2,855 acres is comprised of three separately purchased tracts: the Evans Road Tract (1,812 acres (733.3 hectares) acquired in 1986); the Wolverton Tract (785 acres (317.7 hectares) acquired in 2000); and the nearby, but not contiguous, North Triangle Tract (258 acres (104.4 hectares) acquired in 2001). The combination of these three tracts is now called the Cibolo Canyon Property. The Cibolo Canyon Property was divided into two development phases: Master Phase I and Master Phase II. Master Phase I is located in the southern and western sections of the Cibolo Canyon Property and totals approximately 1,230 acres (497.8

hectares). Based upon available information, LIC determined there would be no impacts to threatened or endangered species that would occur as a result of developing Master Phase I and therefore elected not to pursue additional coverage under the Endangered Species Act. Master Phase II is located in the northern and eastern section of the Cibolo Canyon Property and totals approximately 1,609 acres (651 hectares). The requested section 10(a)(1)(B) permit will cover impacts to the Golden-cheeked Warbler associated with Master Phase II only.

**Bryan Arroyo,**

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

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Migratory Bird Permits; Allowed Take of Nestling American Peregrine Falcons

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

**ACTION:** Notice.

**SUMMARY:** We (the U.S. Fish and Wildlife Service) have updated information on nesting of American peregrine falcons (*Falco peregrinus anatum*) in the western United States and have determined the allowed take of nestlings in 12 western states in 2005.

**FOR FURTHER INFORMATION CONTACT:** Brian Millsap, Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 703-358-1714, or Dr. George T. Allen, Wildlife Biologist, (703) 358-1825.

**SUPPLEMENTARY INFORMATION:** In 2004, we completed a Final Revised Environmental Assessment (FEA) considering the take of nestling American peregrine falcons in 12 states in the western United States. Since completion of the FEA, we have consulted with the states in which take of nestlings is allowed, and have considered recent information on the numbers of nesting American peregrine falcon populations and production of young American peregrine falcons in those states, as outlined in the "Management of Falconry Take" section of the FEA. Having considered the most recent data available to us, we have updated the population information from the FEA. For states with no new statewide survey data, we assumed no population growth since the last survey.

The allowed take in 2004 was approximately 4.8 percent of the total estimated production of young, though actual harvest was approximately 0.5% of the estimated production. The

allowed take of nestling American peregrine falcons in the western U.S. in 2005 is shown in the last column of the data summary. Because the number of nestlings allowed to be taken in each

state is rounded down to the next lowest whole number, the allowed take will be approximately 3.9 percent of the total estimated production of young for 2005.

State	Nesting pairs reporting in the FFA	2004 Nesting pairs	Recent productivity (young per nesting pair)	2004 Allowed take	2005 Allowed take
Alaska .....	930	930	0.95 .....	44	44
Arizona .....	167	167	1.02 .....	8	8
California .....	167	167	1.52 .....	11	11
Colorado .....	87	87	1.71 .....	5	7
Idaho .....	24	26	1.47 .....	1	1
Montana .....	41	52	1.89 .....	4	4
Nevada .....	9	9	Insufficient Data .....	0	0
New Mexico .....	37	37	1.47 .....	2	2
Oregon .....	70	76	1.70 .....	5	6
Utah .....	164	164	1.55 .....	13	12
Washington .....	46	46	1.47 .....	3	3
Wyoming .....	58	65	1.79 .....	5	5
Total .....	1,800	1,826	NA .....	101	103

The states may regulate details of take, consistent with the federal falconry regulations found at 50 CFR 21.28 and 21.29. For example, the state may decide whether to allow take of nestlings, numbers of individuals of each sex that may be taken, timing and location of take of nestlings, restrictions on aerie access, and allocation of take among interested falconers.

Dated: March 16, 2005.

**Matt Hogan,**

*Assistant Secretary for Fish and Wildlife and Parks.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[(WY-060-1320-EL), WYW155132]

#### Notice of Intent To Prepare an Environmental Impact Statement for Coal Lease by Application in Campbell County, WY

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

**ACTION:** Notice of intent.

**SUMMARY:** The Bureau of Land Management (BLM) has received a competitive coal lease application from Foundation Coal West, Inc., (Foundation) for a maintenance tract of Federal coal adjacent to the company's Eagle Butte Mine in Campbell County, Wyoming. A maintenance tract is a parcel of land containing coal reserves that can be leased to maintain production at an existing mine. This tract, which was applied for as a lease

by application (LBA) under the provisions of 43 Code of Federal Regulations (CFR) 3425.1, is called the Eagle Butte West Tract and has been assigned case number WYW155132. Consistent with the National Environmental Policy Act (NEPA) regulations, BLM must prepare an environmental analysis prior to holding a competitive Federal coal lease sale. In accordance with the provisions of Section 102 (2)(C) of NEPA, BLM is announcing it will prepare an Environmental Impact Statement (EIS) for this lease application and is soliciting public comments regarding issues and resource information.

**DATES:** This notice initiates the EIS scoping process. The BLM can best use public input if comments and resource information are submitted by August 1, 2005. On May 17, 2005, the BLM will host a public scoping meeting at 7 p.m. at the Clarion Hotel and Convention Center, 2009 South Douglas Highway, Gillette, Wyoming. At the public scoping meeting the public is invited to submit comments and resource information, and identify issues or concerns to be considered in the LBA process. The BLM will announce future public meetings and other opportunities to submit comments on this project at least 15 days prior to the event. Announcements will be made through local news media and the Casper Field Office's Web site, which is: <http://www.wy.blm.gov/cfo>.

**ADDRESSES:** Please submit written comments or concerns to the BLM Casper Field Office, Attn: Nancy Doelger, 2987 Prospector Drive, Casper, Wyoming 82604. Written comments or resource information may also be hand-

delivered to the BLM Casper Field Office or sent by facsimile to the attention of Nancy Doelger at 307-261-7587. Comments may be sent electronically to [casper\\_wymail@blm.gov](mailto:casper_wymail@blm.gov); please put Eagle Butte West Tract/Nancy Doelger in the subject line.

Members of the public may examine documents pertinent to this proposal by visiting the Casper Field Office during its business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except holidays.

Your response is important and will be considered in the EIS process. If you do respond, we will keep you informed of the availability of environmental documents that address impacts that might occur from this proposal. Please note that comments and information submitted regarding this project including names, electronic mail addresses and street addresses of the respondents will be available for public review and disclosure at the Casper Field Office. Individuals may request confidentiality. If you wish to withhold your name, electronic mail address, or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, or from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Nancy Doelger or Mike Karbs, BLM