

Agreement in accordance with 24 CFR 8.56(j).

8. Issue a Letter of Determination when no party to the complaint has filed a timely request for review of the Letter of Findings in accordance with 24 CFR 8.56(h)(4).

Section B. Authority Redelegated

The Assistant Secretary retains and redelegates to the Deputy Assistant Secretary for Enforcement and Investigations all authority needed, in conducting complaint investigations, to act as "the responsible civil rights official" to issue a Letter of Determination when a party to the complaint has filed a timely request for review of the Letter of Findings in accordance with 24 CFR 8.56(h).

Section C. Authority Redelegated

The Assistant Secretary retains and redelegates to the Director of the Office of Program Compliance and Disability Rights, the Director of the Office of Program Standards and Evaluation, and the Directors of the Large Program Operations and Compliance Centers, the authority in conducting compliance reviews to act as "the responsible civil rights official" to:

1. Conduct compliance reviews in accordance with 24 CFR 8.56(a).
2. Request, receive, and evaluate the documents maintained by recipients in accordance with 24 CFR 8.51(b).
3. Request, receive and evaluate compliance reports submitted by recipients and subrecipients in accordance with 24 CFR 8.55(b).
4. Obtain access to sources of information in accordance with 24 CFR 8.55(c).
5. Issue Letters of Findings and Letters of Determination with regard to compliance reviews conducted in accordance with 24 CFR 8.56 (a) and (b).
6. Resolve a matter through informal means at any stage of processing through a Voluntary Compliance Agreement, in accordance with 24 CFR 8.56(j).

Section D. Authority Redelegated

The Assistant Secretary retains and redelegates, to the Directors of Small Program Operations and Compliance Centers, the authority to act as the "responsible civil rights official" to:

1. In order to determine compliance with 24 CFR 8.25(c) with regard to needs assessments, transition plans, and extensions of time for the completion of structural changes, conduct an investigation pursuant to 24 CFR 8.56(a) and issue a Letter of Findings.
2. In a matter involving compliance with 24 CFR 8.25(c) with regard to

needs assessments, transition plans, and/or extensions of time for the completion of structural changes, resolve the matter through informal means at any stage of processing through a Voluntary Compliance Agreement in accordance with 24 CFR 8.56(j).

Section E. Limited Authority To Further Redelegate

The authority redelegated, to the Directors of the Fair Housing Enforcement Centers, the Directors of the Program Operations and Compliance Centers, the Director of the Office of Program Compliance and Disability Rights, and the Director of the Office of Program Standards and Evaluation, under this redelegation may not be further delegated except as specified in this Notice. The Director, Office of Program Compliance and Disability Rights and the Director, Office of Program Standards and Evaluation may jointly redelegate in writing to the Directors of the Small Program Operations and Compliance Centers all authority specified under Section C, above, to conduct specific compliance reviews. The Deputy Assistant Secretary for Enforcement and Investigations retains the right to redelegate in writing the authority granted to him or her within this redelegation.

Section F. Supersedure

This redelegation supersedes and revokes the following redelegations of authority published in the Federal Register: 56 FR 12302, dated March 22, 1991; 56 FR 12303, dated March 22, 1991; 56 FR 56420, dated November 4, 1991; and 56 FR 56421, dated November 4, 1991.

Authority: Section 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Dated: May 2, 1996.

Elizabeth K. Julian,
Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 96-13072 Filed 5-23-96; 8:45 am]

BILLING CODE 4210-28-M

ACTION: Notice.

SUMMARY: Perry County Sand and Gravel, Inc. (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act (Act). The permit would authorize the incidental take, for a period of 6 years, the federally listed threatened gopher tortoise (*Gopherus polyphemus*) during the expansion of an existing surface mining operation in Forest County, Mississippi.

The Service also announces the availability of an Environmental Assessment (EA) and Habitat Conservation Plan (HCP) for the incidental take application. The Applicant's HCP describes *Gopherus polyphemus* conservation measures to be employed to address the anticipated level of incidental take. The EA prepared by the Service describes the environmental consequences of issuing or denying the Applicant's request for an incidental take permit. As stated in the EA, the Service proposes to issue the requested permit. This proposal is based on a preliminary determination that the Applicant has satisfied the requirements for permit issuance and that the HCP provides conservation benefits to *Gopherus polyphemus*. This notice also advises the public that the Service has made a preliminary determination 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 of 1969, as amended. The finding of No Significant Impact is based on information contained in the EA and HCP. The final determination will be no sooner than 30 days from the date of this notice. This notice is provided pursuant to Section 10 of the Endangered Species Act, as amended, and National Environmental Policy Act (NEPA) regulations (40 CFR 1506.6).

DATES: Written comments on the permit application must be received on or before June 24, 1996.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Persons wishing to review the EA or HCP may obtain a copy by writing the Regional Office or the Jackson, Mississippi, Field Office. Requests must be in writing to be processed. Documents will also be available for public inspection, by appointment, during normal business hours at the Regional Office or the Field Office. Written data or comments

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for Surface Mining in Forest County, Mississippi by Perry County Sand and Gravel, Inc.

AGENCY: Fish and Wildlife Service, Interior.

concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit number PRT-814979 in such comments:

Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia (fax 404-679-7081).

Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. (fax 601-965-4340).

FOR FURTHER INFORMATION CONTACT:

Theresa Jacobson, Mississippi Field Office (601-965-4900) or Rick Gooch at the Atlanta, Georgia Regional Office (404-679-7110).

SUPPLEMENTARY INFORMATION:

Background

The gopher tortoise is listed as a threatened species in the western part of its range, from the Tombigbee and Mobile Rivers in Alabama west to southeastern Louisiana. As a native burrowing species of the fire maintained longleaf pine ecosystem, typical gopher tortoise habitat consists of frequently burned longleaf pine or longleaf pine/scrub oak uplands on moderately well drained to xeric soils. About 80 percent of the original habitat for gopher tortoises has been lost due to urbanization and agriculture. Forest management practices involving dense pine stands and infrequent prescribed fire have reduced or eliminated the open forest and sunny forest floor with grasses and forbs that tortoises need for burrowing, nesting, and feeding. Though gopher tortoises are widely distributed in south Mississippi, most populations are fragmented, small in size, and functionally non-viable.

Section 9 of the Act, and implementing regulations, prohibits the take of threatened and endangered species. Take, in part, is defined as an activity that kills, injures, harms, or harasses a listed threatened or endangered species. Section 10(a)(1)(B) of the Act provides an exemption, under certain circumstances, to the Section 9 prohibition if the taking is incidental to, and not the purpose of otherwise lawful activities.

Fourteen tortoise burrows were located and four tortoises are known to inhabit the 89-acre proposed mining site. A tortoise population of up to five tortoises are estimated to reside on the property. The operation of heavy mining equipment can directly kill or injure tortoises by running over them above ground, or by crushing or entombing them in their burrows, or by excavation.

The EA considers the environmental consequences of four alternatives. One alternative, the proposed action, is the issuance of the incidental take permit based upon submittal of the HCP as proposed. The HCP describes measures the Applicant will take to avoid and mitigate such taking. The Applicant plans to relocate all tortoises in the mining area to an 8-acre habitat conservation area. Suitable habitat for gopher tortoises consists of less than 60 percent canopy cover, a sparse understory, and tortoise browse of grasses and forbs. As part of the HCP, the Applicant will maintain and improve the habitat conservation area by thinning and by the use prescribed fire. Without such management, particularly the use of prescribed fire, gopher tortoise habitat would deteriorate via natural succession. The HCP provides for funding all of the mitigation and minimization efforts for the proposed action. Another alternative is no-action, or deny the request for authorization to incidentally take the gopher tortoises. The third alternative is similar to the proposed alternative except the tortoises would be relocated to a smaller, 3-acre conservation habitat area. The last alternative involves relocating all tortoises off the mining site and onto private property owned by the Applicant elsewhere. All surface mining operations and reclamation procedures are regulated and permitted by the Bureau of Geology, Mississippi Department of Environmental Quality.

As stated above, the Service has made a preliminary determination that the proposed action, e.g., issuance of 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 of 1969, as amended. This preliminary information may be adjusted due to public comment received in response to this notice and is based on information contained in the EA and HCP. An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of the incidental take permit will not appreciably reduce the likelihood of survival and recovery of the affected species in the wild or result in the adverse modification of designated critical habitat. This decision is based upon and considers the cumulative impacts of past, present and future issuance of incidental take permits within the historic and current

range of each species affected in the permit action.

2. Issuance of an incidental take permit would not have significant effects on the human environment in the project area.

3. The proposed take is incidental to an otherwise lawful activity.

4. The Applicant has ensured that adequate funding will be provided to implement the measures proposed in the submitted HCP.

5. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the incidental take permit are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's incidental take permit is contingent upon the Applicant's compliance with the terms of the permit and all other laws and regulations under the control of State, local, and other Federal governmental entities.

Dated: May 17, 1996.

Noreen K. Clough,

Regional Director, Region 4.

[FR Doc. 96-13121 Filed 5-23-96; 8:45 am]

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Bureau of Land Management

[WY-985-06-0777-72]

Resource Advisory Council Meeting, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Wyoming Resource Advisory Council.

SUMMARY: This notice sets forth the schedule and agenda for a meeting of the Wyoming Resource Advisory Council (RAC).

DATES: June 24, 1996, from 1:00 p.m. until 5 p.m. and June 25, 1996, from 8:30 a.m. until 12 p.m.

ADDRESSES: Pronghorn Lodge, Monarch Room, 150 East Main, Lander, WY 82520.

FOR FURTHER INFORMATION CONTACT: Terri Trevino, RAC Coordinator, Wyoming Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82003, (307) 775-6020.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Status of Green River Basin Advisory Committee
2. Finalize draft goals and guidelines on rangelands
3. Public Comment

This meeting is open to the public. Interested persons may make oral