

Permit Number TE038824

Applicant: Jeanette C. Martinez,
Minneapolis, Minnesota

The applicant requests a permit to take (capture, handle and release) the Hine's emerald dragonfly (*Somatochlora hineana*) in Door County, Wisconsin, and DuPage, Cook, and Will Counties, Illinois. Research activities proposed are designed to model population dynamics via genetic analyses. The scientific research is aimed at enhancement of survival of the species in the wild.

Permit Number TE039066

Applicant: Merrill B. Tawse, Lucas,
Ohio

The applicant requests a permit to take (capture, handle and release) the Indiana bat (*Myotis sodalis*) in Ohio. Research activities include capture, radio-marking, and evaluating habitat used by the Indiana bat. The scientific research is aimed at enhancement of survival of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who requests a copy from the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056, peter_fasbender@fws.gov, telephone (612) 713-5343, or FAX (612) 713-5292.

Dated: February 16, 2001.

Jeff Gosse,

Acting Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

[FR Doc. 01-4932 Filed 3-2-01; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****Notice of Availability; Travis County TX; Golden-Cheeked Warbler**

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application for an Incidental Take Permit for the Endangered Golden-cheeked Warbler (*Dendroica chrysoparia*) During Construction and Operation of a Six-Unit Condominium and One Single-family Residence on Lots One and Two (29.86 acres) at the

Southwest Corner of Bridge Point Parkway and City Park Road, Austin, Travis County, Texas (Gray Mountain).

SUMMARY: Gray Mountain, Ltd. (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-037888-0. The requested permit, which is for a period of 30 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 and operation of a six-unit Condominium and one single-family residence on a portion of the 29.86 acres of Lots one and two, Coldwater Section one, Phase A, Travis 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 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).

DATES: Written comments on the application and the EA/HCP should be received on or before May 4, 2001.

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 Scott Rowin, U.S. Fish and Wildlife Service, Ecological Services Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0063). Documents will be available for public inspection by written request or by appointment only during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service Office, Austin, Texas. 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-037888-0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Scott Rowin, at the above U.S. Fish and Wildlife Service Office, Austin, TX.

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: Gray Mountain, Ltd. plans to construct and operate a six-unit Condominium and one single-family residence, with associated access road/driveway, utilities, and other associated improvements and facilities, on portions of the approximately 29.86-acre property. As proposed, the six-unit condominium will be constructed on Lot One and the single-family residence will be constructed on Lot two, Coldwater Section one, Phase A, Travis County, Texas. This action will eliminate approximately 4.6 acres of habitat and indirectly impact 14.4 additional acres of golden-cheeked warbler habitat. The Applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by donating through fee simple or conservation easement to Travis County the remaining 25.26 acres of the property, and providing an additional \$33,250.00 to the Balcones Canyonlands Preserve, as administered by Travis County and managed by the City of Austin, for the specific purpose of land acquisition within golden-cheeked warbler habitat or for the management and maintenance of existing preserve lands. This on-site mitigation land is adjacent to existing Balcones Canyonlands Preserve land and will be managed by the City of Austin as such.

Frank S. Shoemaker, Jr.,

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

[FR Doc. 01-5163 Filed 3-2-01; 8:45 am]

BILLING CODE 4510-55-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

Reopening of Public Comment Period and Availability of a Draft Environmental Assessment and Preliminary Finding of No Significant Impact, and Receipt of an Application for an Incidental Take Permit for Forest Management and Timber Harvest in Mississippi and Alabama

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of reopening of public comment period.

We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft Environmental Assessment and preliminary Finding of No Significant Impact, and receipt of an

application for an incidental take permit for forest management and timber harvest in Mississippi and 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 permit. Comments previously submitted during the comment period need not be resubmitted as they will be incorporated into the public record and will be fully considered in the final determination on the proposal.

International Paper (Applicant) has requested an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 et seq.), as amended (Act). The Applicant anticipates taking the threatened gopher tortoise (*Gopherus polyphemus*) over the next 5 years incidental to forest management for timber production and wildlife enhancement, road construction, research, and timber harvest. The anticipated take and measures to minimize and mitigate these takings will occur on 80,000 acres of the Applicant's fee simple and leased lands in Lamar, George, Pearl River, Greene, Stone, Harrison, Perry, Forrest, and Jackson counties, Mississippi; and in Washington and Mobile counties, Alabama. The proposed permit would authorize incidental take of up to 1,420 tortoises that are not associated with gopher tortoise colonies. Of the tortoises incidentally taken, most would be harmed but not actually killed or physically injured during this 5-year plan.

To minimize and mitigate for taking of gopher tortoises, the Applicant will protect, restore, and maintain habitat for 1,280 tortoises within 240 gopher tortoise colonies within stands where timber will be thinned or regenerated. Adaptive management will be used to ensure that at least 10 colony tortoises are conserved in restored and managed habitat for every 11 tortoises potentially subject to incidental take. The Applicant's Habitat Conservation Plan (HCP) is an interim 5-year plan and permit during which time additional research and planning will be completed for a more long-term comprehensive HCP. A more detailed description of the mitigation and minimization measures to address the effects of the Project to the gopher tortoise is provided in the Applicant's HCP, the Service's draft Environmental Assessment (EA), and in the **SUPPLEMENTARY INFORMATION** section below.

The Service announces the availability of a draft EA and HCP for

the incidental take application. Copies of the draft EA and/or HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the ITP 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 (NEPA). The preliminary Finding of No Significant Impact (FONSI) is based on information contained in the draft EA and HCP. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to section 10 of the Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the federal action, including the identification of any other aspects of the human environment not already identified in the Service's draft EA. Further, the Service specifically solicits information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE033112-0 in such comments. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to "david_dell@fws.gov". Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this

prominently at the beginning of your comments. We will not; however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: The original comment period closed December 27, 2000. The comment period is hereby reopened until April 4, 2001. Written comments on the ITP application, draft EA, and HCP should be sent to the Service's Regional Office (see **ADDRESSES**).

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. Written data or comments concerning the application, or HCP should be submitted to the Regional Office. Please reference permit number TE033112-0 in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES** above), telephone: 404/679-7313, facsimile: 404/679-7081; or Mr. Will McDearman, Fish and Wildlife Biologist, Jackson Field Office, Mississippi (see **ADDRESSES** above), telephone: 601/321-1124.

SUPPLEMENTARY INFORMATION: The gopher tortoise was listed in 1987 as a threatened species in the western part of its geographic range, west of the Tombigbee and Mobile Rivers in Alabama, Mississippi and Louisiana. The gopher tortoise is a burrowing animal that historically inhabited fire-maintained longleaf pine communities on moderately well drained to xeric soils in the Coastal Plain. These longleaf pine communities consisted of relatively open fire-maintained forests, without a closed overstory, with a well developed herbaceous plant layer of grasses and forbs. About 80% of the original habitat for gopher tortoises was lost by the time the species was listed due to conversions to urban and agricultural land use. On remaining forests, management practices converting longleaf pine to densely planted pine stands for pulpwood production, fire exclusion, and

infrequently prescribed fire further reduced the open forest with grasses and forbs that tortoises need for burrowing, nesting, and feeding. Over 19,000 gopher tortoises have been estimated to occur in the listed range. The tortoise, however, is a long-lived animal with low reproductive rates. Remaining populations, though relatively widespread, are individually small, fragmented, and usually in poor habitat without adequate reproduction for a self-sustaining viable population. Frequent fire no longer naturally occurs in the listed range due to past effects of habitat alteration and fragmentation. Without prescribed fire and other restoration actions the quality of gopher tortoise habitat continues to decline. Land management to avoid the incidental take of tortoises will not recover the species since restoration and active management to maintain habitat is required.

Under section 9 of the Act and its implementing regulations, "taking" of endangered and threatened wildlife is prohibited. However, the Service, under limited circumstances, may issue permits to take such wildlife if the taking is incidental to and not the purpose of otherwise lawful activities. The Applicant has prepared an HCP as required for the incidental take permit application.

The biological goal of the Applicant's HCP is to conserve, restore, and sustain all gopher tortoise colonies for a 5-year period in stands where timber will be thinned or regenerated. Prior to timber harvests, each stand will be comprehensively surveyed for gopher tortoise colonies. A management area will be designated for each colony where thinning, prescribed fire, and other measures will be used to reduce or eliminate encroaching shrubs, hardwoods, and as necessary pine trees to create an open forest and optimal conditions for gopher tortoises. Since the density of tortoises is greater in colonies, the objective of the plan is to conserve and manage segments of the population that most likely continue to breed.

Gopher tortoise surveys on 20,000 acres of transects on the Applicant's land have not identified any colonies or populations that are potentially viable with 50 or more interbreeding tortoises. Gopher tortoises occur, overall, at low densities on the Applicant's land. The focus of this interim plan is to conserve the most likely breeding segments of the population that are important for short-term survival. During this period, a long-term plan will be developed based on additional research and comprehensive surveys on up to 80,000

acres of habitat. The goal of the future plan is restore and manage habitat for aggregations of colonies with the greatest potential to contribute to recovery.

The HCP has the following objectives:

1. Survey Applicant's lands within the historic gopher tortoise range to identify tortoise occurrence in relation to soil type and other habitat parameters in order to develop predictive models of tortoise occurrence.

2. Conduct research to form a scientific basis for submission of an HCP for at least an additional 25 years that would seek to build and maintain viable gopher tortoise populations on the Applicant's lands.

3. Conduct research to evaluate adverse effects of mechanized forest management and harvesting, and other silvicultural practices on gopher tortoises.

4. Identify gopher tortoise colonies and designate management areas around these sites. Improve and perpetuate favorable habitat conditions around these management areas.

5. Conduct research necessary to implement long term mitigation with the goal of creating larger, contiguous gopher tortoise management units that will become viable population centers contributing to species recovery goals.

6. Demonstrate successful application of adaptive management, sound science, and third party involvement in development of a broad-base HCP that has the core objective of contributing to gopher tortoise recovery.

7. Establish management, mitigation, and monitoring protocol for implementation of future versions of the HCP in longer term incidental take authorizations.

8. Inform and train applicant's employees, contractors, and recreational users on the gopher tortoise management guidelines specified in the HCP.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the draft EA and HCP.

The Service will also evaluate whether the issuance of a section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to

determine whether or not to issue the ITP.

Dated: February 7, 2001.

Sam D. Hamilton,
Regional Director.

[FR Doc. 01-5231 Filed 3-2-01; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-958-6320-ET; HAG-01-0080; OR-10676, et al]

Cancellation of Proposed Withdrawals, and Expiration of Public Land Order; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: On October 30, 2000, Public Law (PL) 106-399, the Steens Mountain Cooperative Management and Protective Act of 2000 was enacted into law. As a result of the law, the Bureau of Land Management (BLM) has canceled two withdrawal applications and allowed Public Land Order (PLO) No. 5822 to expire, in Harney County, Oregon.

FOR FURTHER INFORMATION CONTACT: Charles R. Roy, BLM Oregon/Washington State Office, 503-952-6189.

SUPPLEMENTARY INFORMATION: On October 30, 2000, the Steens Mountain Cooperative Management and Protective Act of 2000 (PL 106-399) was enacted into law, superseding two proposed withdrawals and PLO No. 5822.

A Notice of Proposed Withdrawal was published in the **Federal Register**, (64FR50531, September 17, 1999) as FR Doc. 99-23812, for the BLM to withdraw 619,000 acres of Federal lands, 73,900 acres of Federal minerals, and 37,400 acres of Federal Surface lands from the non-discretionary public land and mining laws, for the Steens Mountain Area. Another Notice of Proposed Withdrawal was published in the **Federal Register**, (65FR38849, June 22, 2000) as FR Doc. 00-15781, for the BLM to withdraw 17,056.18 acres of public lands, and 680 acres of non-federal lands, from surface entry and mining, but not the mineral leasing, for the Diamond Craters Outstanding Natural Area/Area of Critical Environmental Concern. In addition, Public Land Order No. 5822, published in the **Federal Register**, (46FR6947, January 22, 1981) as FR Doc. 81-2310, for the BLM withdrew 16,656.18 acres of Federal lands from settlement, sale, location, or entry under the general land laws, including the mining laws, but not