

proposed response to the Institute of Medicine's report on TB Elimination in the U.S. Agenda items are subject to change as priorities dictate.

**Contact Person for More Information:** Paulette Ford-Knights, National Center for HIV, STD, and TB Prevention, 1600 Clifton Road, NE, M/S E-07, Atlanta, Georgia 30333, telephone 404/639-8008.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: June 13, 2001.

**John Burckhardt,**

*Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

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**BILLING CODE 4163-18-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of an Application for a Permit for the Incidental Take of the Houston Toad (*Bufo houstonensis*) During Construction and Operation of a School Building on Approximately 0.5 Acres of the 119.84-acre Property on Park Road 1-C, Bastrop County, Texas (Woodside Trails)**

**SUMMARY:** Woodside Trails Wilderness Experience, Inc. (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-041786-0. The requested permit, which is for a period of 5 years, would authorize the incidental take of the endangered Houston toad (*Bufo houstonensis*). The proposed take would occur as a result of the construction and operation of a school building on approximately 0.5 acres of the 119.84-acre property on Park Road 1-C, Bastrop 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 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).

**DATES:** Written comments on the application should be received on or before July 19, 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 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-041786-0 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 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:** Woodside Trails Wilderness Experience, Inc. plans to construct a school building on approximately 0.5 acres of the 119.84-acre property on Park Road 1-C, Bastrop County, Texas. This action will eliminate 0.5 acres or less of Houston toad habitat and result in indirect impacts within the property. The Applicant proposes to compensate for this incidental take of the Houston toad by providing volunteer labor for a minimum of six days per year, over the next three years, for restoration of Houston toad habitat in Bastrop State Park, Bastrop County, Texas. The applicant also intends to construct an exhibit at the entrance of the 119.84-acre property providing information

about the Houston toad in Bastrop County.

**Geoffery Haskett,**

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

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**BILLING CODE 4510-55-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Notice of Availability of a Finding of No Significant Impact/Habitat Conservation Plan for Issuance of an Incidental Take Permit for the Gunston Manor Subdivision, Block 40, Lots 11-17, Single-Family Home Construction, Mason Neck, Fairfax County, Virginia**

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

**ACTION:** Notice of availability.

**SUMMARY:** The Applicant has submitted three incomplete Habitat Conservation Plan (HCP) permit applications pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act). These permits were not processed because the applications did not meet either the statutory application criteria or the statutory issuance criteria.

The applicant initiated litigation over this project arguing that the Service has unconstitutionally "taken" his property without just compensation. The Service has taken the position that an acceptable plan could be produced and that a permit could be issued if an acceptable plan were submitted, but has decided that it is more efficient to draft a compliant HCP and issue the permit than to continue to litigate. This draft HCP is offered as part of his ITP application. The draft Finding of No Significant Impact (FONSI)/HCP made available by this notice were prepared by the Service based on information previously provided by the Applicant and other information acquired by the Service. The Applicant has been assigned permit number TE041642-0. The permit, which is for a period of 30 years upon approval, would authorize the incidental take of the threatened bald eagle (*Haliaeetus leucocephalus*). The proposed take would occur as a result of the construction and occupancy of a single-family home in Fairfax County, Virginia.

The Service has prepared the FONSI/HCP for the incidental take permit (ITP) application. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).