

Dated: March 9, 2001.

**Rowan W. Gould,**

*Acting Regional Director, Fish and Wildlife Service, Region 1, Portland, Oregon.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Environmental Statements; Availability etc: Incidental Take Permits—Bastrop County, TX; Houston Toad and Bald Eagle**

Notice of Availability of a Revised Environmental Assessment/Habitat Conservation Plan for Permit Numbers TE-025997-0 and TE-025965-0 for Issuance of Endangered Species Act Section 10(a)(1)(B) Permits for the Incidental Take of the Endangered Houston Toad and the Threatened Bald Eagle During the Construction and Occupation of Single Family Residences or Other Similar Structures (each on approximately 0.5 acres or less) in 46 Subdivisions in Bastrop County, Texas.

**SUMMARY:** The U.S. Fish and Wildlife Service has prepared a revised Environmental Assessment/Habitat Conservation Plan (EA/HCP) for issuance of Endangered Species Act Section 10(a)(1)(B) permits (numbers TE-025997-0 and TE-025965-0) for the incidental take of the endangered Houston toad (*Bufo houstonensis*) and threatened bald eagle (*Haliaeetus leucocephalus*). The revised EA/HCP adds the bald eagle to the existing 46-subdivision EA/HCP that currently only covers the Houston toad. In addition, the proposed EA/HCP would allow for the construction of other similar structures, as long as the action on the property disturbs no more than approximately 0.5 acres of habitat within each eligible lot. The Service proposes issuing endangered species permits to individual lot owners under an EA/HCP, where each permit would authorize the incidental take of the Houston toad and bald eagle, directly or indirectly, from the construction and occupation of a single-family residence or other similar structure on an undeveloped lot in the 46 subdivisions covered under this EA/HCP. This revised EA/HCP will allow for responsible development of the lots while minimizing and offsetting impacts to the Houston toad and bald eagle by providing for on-site and off-site conservation measures that will be used to promote the long-term survival of the species. It is also considered to provide the most simplified, expeditious, and

effective process by which landowners can comply with the provisions of the Endangered Species Act in a more efficient manner. The revised EA/HCP requires the same avoidance, minimization, and mitigation efforts from every lot owner, within their respective category. Issuance of incidental take permits for the Houston toad and bald eagle will be conducted as they are currently for the Houston toad.

**DATES:** Written comments on the revision are being accepted and should be received on or before June 25, 2001.

**ADDRESSES:** Persons wishing to review the revised EA/HCP may obtain a copy by contacting: the Austin Office of the 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, or by appointment only, during normal business hours (8 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the proposed revisions should be submitted to the Field Supervisor, Austin Field Office of the U.S. Fish and Wildlife Service, at the above address. Please refer to permit numbers TE-025997-0 and TE-025965-0 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Contact the Austin Office of the U.S. Fish and Wildlife Service at the above address.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered and threatened species such as the Houston toad and bald eagle. However, the Service, under limited circumstances, may issue permits to take threatened and 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 divided the 46 subdivisions into two categories, those in low/marginal quality Houston toad habitat, and those in medium quality Houston toad habitat. The revised EA/HCP and associated permits (TE-025997-0 and TE-025965-0) will be in effect for a period of 5 years, and authorize the incidental take of the Houston toad and bald eagle. The proposed take to the Houston toad would occur as a result of the possible construction and occupation of undeveloped lots, utilizing no more than approximately 0.5 acres per eligible property, in 46 subdivisions in Bastrop County, Texas. The proposed take to the bald eagle is anticipated to occur only in the form of harassment, such as an increase in noise generated

from the 46 subdivisions and increased recreational use of area lakes and the Colorado River. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**Geoffrey L. Haskett,**

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

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Environmental Statements; Availability, etc: Incidental Take Permits—Travis County, TX; Golden Cheeked Warbler**

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application for Incidental Take Permit for Construction and Occupation of Residential and Commercial Development on Portions of the Approximately 740-acre Ribelin Ranch Property, Austin, Travis County, Texas.

**SUMMARY:** Ribelin Ranch Partners, Ltd., Lucia Francis, and Charles Ribelin (Applicants) have 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 Application has been assigned permit number TE-040090-0. 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 occupation of residential and commercial development on portions of the approximately 740-acre Ribelin Ranch Property on R.M. 2222, Austin, 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 before 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 should be received on or before June 25, 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, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Sybil Vosler, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0063).

Documents will be available for public inspection by written request, by appointment only, during normal business hours (8 to 4:30) U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application(s) and EA/HCPs should be submitted to the Field Supervisor, Ecological Field Office, Austin, Texas at the above address. Please refer to permit number TE-040090-0 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:**

Sybil Vosler at the above Austin Ecological Service Field Office.

**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:* Ribelin Ranch Partners, Ltd., Lucia Francis, and Charles Ribelin plan to construct residential and commercial development on 160 acres of the approximately 740-acre Ribelin Ranch Property on R.M. 2222, Austin, Travis County, Texas. This action will indirectly impact the habitat of the golden-cheeked warbler. The development will eliminate approximately 168 acres of golden-cheeked warbler habitat which may result in the take of 10 to 12 golden-cheeked warbler territories. The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by preserving 240 acres of GCW habitat in perpetuity; minimization of on-site habitat destruction; education and encouragement of the homeowners in the use of xeriscaping, clearing only between August 1 to March 1 when the warblers are not present; and prohibition of deer and bird feeders that encourage the growth of populations of species that parasitize, predate or out-compete the golden-cheeked warbler or destroy its habitat. Alternatives to this action were rejected because not developing the subject property with federally listed species present was not economically feasible and alteration of

the project design would increase the impacts.

**Geoffrey L. Haskett,**

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

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Procedures for Selecting and Funding Multistate Conservation Grants Under the Federal Aid in Sport Fish and Wildlife Restoration Programs

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

**ACTION:** Notice.

**SUMMARY:** The Service is announcing procedures for obtaining funding for multistate conservation project grants (Catalog of Federal Domestic Assistance Number 15.628) for FY 2002. Up to \$3,043,255 is available for these grants in Wildlife Restoration funds and up to \$3,265,392 in Sport Fish Restoration funds.

**DATES:** Grant application materials must be received by the International Association of Fish and Wildlife Agencies (IAFWA) by June 15, 2001.

**ADDRESSES:** Grant application materials may be mailed or e-mailed to: Mr. Robert L. Miles, International Association of Fish and Wildlife Agencies, 444 N. Capitol Street NW., Suite 544, Washington, DC 20001; phone, (202) 624-7890; e-mail, rmiles@sso.org.

**FOR FURTHER INFORMATION CONTACT:**

*Regarding a specific grant:* Mr. Robert L. Miles, International Association of Fish and Wildlife Agencies; phone, (202) 624-7890; e-mail, rmiles@sso.org.

*Regarding the Multistate Conservation Grant Program:* Mr. Kris E. LaMontagne, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service; phone, (703) 358-2156; e-mail, kris\_e\_lamontagne@fws.gov.

**SUPPLEMENTARY INFORMATION:** The Service publishes a Notice in the **Federal Register** each year announcing the deadline for project proposals, the amount of money available for multistate conservation project grants, and the National Conservation Needs. National Conservation Needs are established annually to promote and encourage efforts that address priority needs of State fish and wildlife agencies.

National Conservation Needs contained in this Notice were developed

by the IAFWA through a committee consisting of heads of State fish and wildlife agencies (or their designees). The committee developed the National Conservation Needs in consultation with nongovernmental organizations that represent conservation organizations, sportsmen's organizations, and industries that support or promote sport fishing, hunting, trapping, recreational shooting, bow hunting, or archery. National Conservation Needs are provided as a guide so that applicants will know the types of projects that will likely be funded.

Eligible grantees are a State or group of States; the Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; or nongovernmental organizations, subject to the following restrictions. Nongovernmental organizations that apply for a grant must submit with the application to the IAFWA a certification that the organization will not use grant funds to fund, in whole or in part, any activity that promotes or encourages opposition to the regulated hunting or trapping of wildlife, or the regulated taking of fish.

The Department of the Interior has promulgated rules (43 CFR part 12) adopting common rules developed by the Office of Management and Budget (OMB) as required by OMB Circulars A-102 and A-110 that contain administrative requirements that apply to these grants. This annual grant program contains information collection requirements for which approval by the OMB under the Paperwork Reduction Act of 1995, as specified in 43 CFR part 12.4, has been obtained (OMB control number 1018-0109, expires January 31, 2004, and 1018-0049, expires September 30, 2003). The Application for Federal Assistance (the Standard Form 424 series) prescribed by OMB Circulars A-102 and A-110 and required as part of this application process have the OMB control number 0348-0043.

#### A. Purpose

This statement establishes procedures for selecting multistate conservation project proposals to be funded through the Federal Aid in Sport Fish and Wildlife Restoration Programs for the purpose of promoting and encouraging efforts that address priority needs of State fish and wildlife agencies. These projects are funded through grants to a State or group of States; the Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and