

*PHS Non-use of Tobacco Policy Statement*

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103-227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

*Executive Order 12372*

Applications submitted in response to the FY 2002 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR part 100. Executive Order 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17-89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: May 3, 2002.

**Richard Kopanda,**

*Executive Officer, Substance Abuse and Mental Health Services Administration.*

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**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-4491-N-07]

**Final NEPA Environmental Impact Statement (EIS); 1105-1135 Warburton Avenue, City of Yonkers, NY; Affordable Housing Ordinance (AHO) Mandated by a 1988 Federal Long-Term Plan Order**

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** The Department of Housing and Urban Development (HUD) gives this notice to the public that the City of Yonkers, New York, has completed and makes available to the public for comment the Final Environmental Impact Statement (FEIS) that analyzes the potential impacts of developing a 4.6 acre property, located on the west side of Warburton Avenue, north of O'Dell Avenue, in the City of Yonkers, New York.

The original project was proposed for 524 units and eleven stories. The FEIS now contains two preferred alternatives, which shall set the development parameters of the project between 418 units and 440 units, and between 7 and 10 stories. Both alternatives are required to provide affordable units mixed with market rate units in accordance with the City's Affordable Housing Ordinance (AHO). The applicant proposes to utilize the 80/20 Program tax exempt financing and federal tax credits. No direct HUD funding is currently involved.

This notice is in accordance with the regulations of the Council on Environmental Quality as described in 40 CFR parts 1500-1508. Federal agencies having jurisdiction by law, special expertise, or other special interest are requested to comment.

**DATES:** *Comment Due Date:* June 10, 2002.

**FOR FURTHER INFORMATION CONTACT:** All interested agencies, groups and persons are invited to submit comments on the FEIS directly to Lee Ellman, Planning Director, Department of Planning and Development, City of Yonkers, 87 Nepperhan Avenue, Suite 311, Yonkers, New York, 10701, (914) 377-6558. [lee.ellman@cityofyonkers.com](mailto:lee.ellman@cityofyonkers.com).

Copies of the FEIS for 1105-1135 Warburton Avenue are available at the Yonkers Public Library: Getty Square Branch, 7 Main Street, Yonkers, NY 10701; Grinton I. Will Branch, 1500 Central Park, Yonkers, NY 10710; Crestwood Branch, 16 Thompson Street,

Yonkers, NY 10702; or from the City of Yonkers Planning Bureau, 87 Nepperhan Avenue, Suite 311, Yonkers, New York, 10701.

**SUPPLEMENTARY INFORMATION:** The Affordable Housing Ordinance (AHO) is mandated by a 1988 Federal Long-Term Plan Order. A subsequent federal court decision requires environmental review of all affordable housing projects under the National Environmental Policy Act (NEPA). This project is an affordable housing development falling under the AHO. The City of Yonkers determined that the housing project constitutes an action significantly affecting the quality of the human environment and therefore required the preparation of an EIS in accordance with NEPA. The residential building proposed sets aside a number of units to satisfy the affordable housing requirement.

A scoping session to determine the issues of the Draft EIS (DEIS) was opened on March 23, 2000 and a final scoping document was accepted on June 29, 2000. The City accepted the DEIS as complete on November 15, 2000, and set a date for a public hearing. The DEIS was the subject of public comments, both oral and written, provided by agencies, interested groups, and individuals, at the public hearing on December 13, 2000, and during the DEIS public comment period which extended through March 3, 2001. In response to public comments on the DEIS, the Yonkers Planning Board, at its February 13, 2002 meeting, chose by resolution to identify two alternatives to carry forward in the FEIS. The public comments and preferred alternatives have been incorporated into the text of the Final EIS, which was completed in March 2002.

The public hearing for the Draft EIS was for the original 524-unit, 11-story building that had 10 percent of the units affordable. Correspondence from 53 involved or interested agencies and interested persons or groups were received on the project. Thirty-four responses were received by the Army Corps of Engineers relating to wetlands. The Army Corps of Engineers conducted its public hearing concurrently with the NEPA/SEQR public hearing process.

**Discussion of Mitigation Measures**

Public comments that were received on the DEIS primarily focused on issues relating to land use density, height and bulk impacts on scenic view sheds, wetlands protection, parking, and traffic on local streets.

A 1.45-acre portion of the property is wetland. One full acre of the wetland will remain on site and the City has indicated its preference to have the

applicant mitigate the wetland impact with a new wetland at a location within the City of Yonkers or in a mutually accepted location. Relating to wetlands, on- and off-site mitigation measures are subject to approval by the Army Corps of Engineers under application number 1999-10770-YN.

In addition, other mitigation measures proposed for inclusion in the redesign of the project as discussed in the FEIS are the following. To reduce density, the number of units would be reduced from 524 in the original proposal to between 418 and 440 units. To reduce the visual impact on the Old Croton Aqueduct, the 11-story height of the building in the original proposal would be reduced to between 7 and 10 stories, and will be gradually stepped down to 4 stories. The building has also been rotated to further protect views. The project meets and exceeds the Yonkers Zoning Code Parking requirements and the applicant has agreed to continually monitor the parking situation. To mitigate traffic impacts, the applicant has agreed to fund substantial traffic improvements at area intersections and roadways, including a new traffic light at Odell and Warburton Avenue, new pavement, striping, guardrails and traffic signage along Odell Avenue.

Questions may be directed to the individual named above under the heading "For Further Information Contact."

Dated: May 3, 2002.

**Roy A. Bernardi,**

*Assistant Secretary for Community Planning and Development.*

[FR Doc. 02-11647 Filed 5-8-02; 8:45 am]

**BILLING CODE 4210-29-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for Dr. Raymond Waddell, Fort Morgan Peninsula, Baldwin County, AL**

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

**ACTION:** Notice.

**SUMMARY:** Dr. Raymond Waddell (Applicant), seeks an incidental take permit (ITP) from the Fish and Wildlife Service (Service), pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The ITP would authorize the take of the Federally listed endangered Alabama beach mouse (*Peromyscus polionotus ammobates*) (ABM), the threatened

green sea turtle (*Chelonia mydas*), the threatened loggerhead turtle, (*Caretta caretta*), and the endangered Kemp's ridley sea turtle (*Lepidochelys kempii*), in Baldwin County, Alabama. The proposed taking is incidental to construction of a single family residence on an approximately 31,312 square-foot lot containing 75 linear feet of coastal dune habitat, fronting the Gulf of Mexico. The Project would permanently remove about 18% of the 31,312 square-foot lot (or approximately 5,625 square feet) that could potentially be inhabited by the ABM and three sea turtle species in Baldwin County, Alabama. A description of the mitigation and minimization measures outlined in the Applicant's Habitat Conservation Plan (HCP) to address the effects of the Project to the protected species is described further in the **SUPPLEMENTARY INFORMATION** section below. It should be noted that this application for an incidental take permit is one of seven applications currently being considered by the Fish and Wildlife Service for construction of single family/or duplex residences in coastal dune habitat fronting the Gulf of Mexico, on the Fort Morgan Peninsula, in Baldwin County, Alabama. Other Notices relating to these applications have appeared in previous issues of the **Federal Register** or will appear in this or subsequent issues.

The Service also announces the availability of an environmental assessment (EA) and HCP for the incidental take application. Copies of the 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 (NEPA), as amended. The Finding of No Significant Impact (FONSI) is based on information contained in the 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).

**DATES:** Written comments on the permit application, EA, and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before June 10, 2002.

**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 Office, U.S. Fish and Wildlife Service, 1208-B Main Street, Daphne, Alabama 36526 (Attn: Ms. Barbara Allen). Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Comments and requests for the documentation must be in writing to be processed. Please reference permit number TE054183-0 in such comments, or in requests of the documents discussed herein.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Dell, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679-7313; or Ms. Barbara Allen, Fish and Wildlife Biologist, Daphne Field Office, (see **ADDRESSES** above), telephone: 334/441-5181, extension 33.

**SUPPLEMENTARY INFORMATION:** The ABM is one of eight subspecies of the oldfield mouse restricted to coastal dunes. The Service estimates that ABM historically occupied approximately 45 km (28 mi) of shoreline. By 1987, the total occupied linear, shoreline habitat for the ABM, Choctawhatchee, and Perdido Key beach mice was estimated at less than 35 km (22 mi). Monitoring (trapping and field observations) of the ABM population on other private lands that hold, or are under review for, an ITP during the last five years indicates the Fort Morgan Peninsula remains occupied (more or less continuously) by ABM along its primary and secondary dunes while ABM use interior habitats intermittently. The current occupied coastline for the ABM extends approximately 37 km (23 miles). ABM habitat on the Applicant's property consists of approximately 10,064 square feet of wet beach, primary and secondary dunes. There is no designated critical habitat on the property.

The green sea turtle has a circumglobal distribution and is found in tropical and sub-tropical waters. The Florida population of this species is federally listed as endangered; elsewhere the species is listed as threatened. Primary nesting beaches in the southeastern United States occur in a six-county area of east-central and southeastern Florida, where nesting activity ranges from approximately 350-2,300 nests annually. The Service's turtle nesting surveys of the Fort Morgan Peninsula, from Laguna Key west to Mobile Point, for the period 1994-2001 have not confirmed any